

HOWNICKAN

PEOPLE OF THE FIRE



Vol. 13, No. 2

Citizen Band Potawatomi Tribe

February, 1991

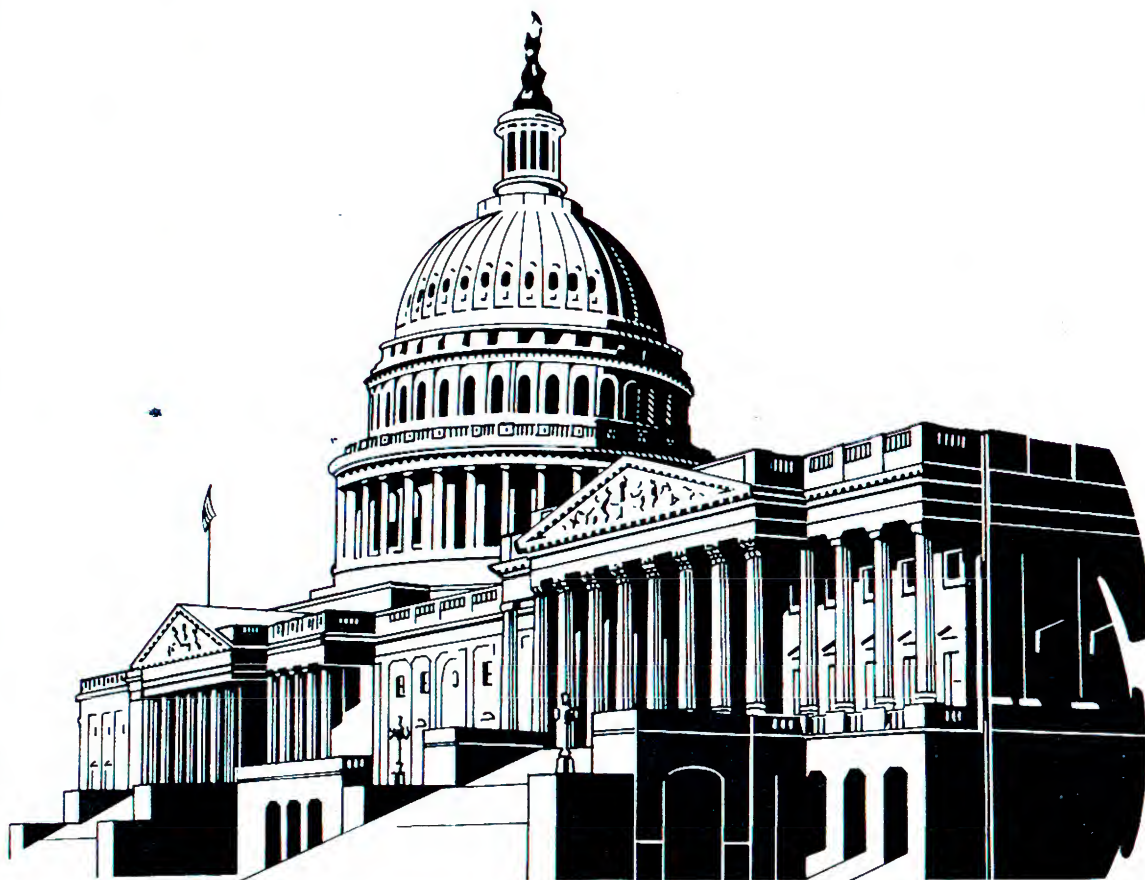
Supreme Court Hands Down 'Split' Decision: State May Tax Non-Indians But Cannot Sue Tribe

The State of Oklahoma "is free" to assess taxes on cigarettes sold to non-Indians at the Potawatomi Tribal Store, but if the tribe doesn't collect the taxes, the state can't sue the tribe, the United States Supreme Court ruled this week.

In a confusing decision which failed to satisfy either side, the high court firmly upheld the concept of tribal sovereignty and said that doctrine bars the Oklahoma Tax Commission from suing Indian tribes. The court also destroyed one of the state's prime arguments by ruling that Indian trust land has the same status as Indian reservation land and evidently left standing a permanent injunction that bars the state from coming onto tribal land.

But then the court changed gears, agreeing with the state's contention that Oklahoma has the authority to tax sales of cigarettes to nontribal members. "We conclude that under the doctrine of tribal sovereign immunity, the state may not tax such sales to non-Indians, but remains free to collect taxes on sales to non-tribal members," Chief Justice William Rehnquist wrote for a unanimous court.

In another part of the ruling, Rehnquist wrote that "there is no doubt that sovereign immunity bars the state from pursuing the most efficient remedy (by going to court), but we are not per-



The final solution almost certainly lies behind these walls: '... if Oklahoma and other States similarly situated find that none of these alternatives produce the revenues to which they are entitled, they may of course seek appropriate legislation from Congress.' — Chief Justice Rehnquist, in the opinion

sued that it lacks any adequate alternatives." Without saying whether it would uphold or deny such tactics, the court suggested suing individual tribal officers or agents, taxing the cigarettes at the wholesale level, or seizing the

cigarettes before they reached Indian land. The court also suggested that the state and the tribe might reach an agreement or that Congress might decide the issue.

At the center of the issue is

whether the Citizen Band Potawatomi Tribe must collect state taxes on cigarettes sold at its convenience store at the corner of Gordon Cooper Drive and Hardesty Road in Shawnee. In 1987, the Tax Commission filed

an assessment for \$2.7 million in back sales taxes on Potawatomi Chairman John A. Barrett Jr., then switched the assessment to the tribe. The case has been in court since, with the state winning a mixed decision at the district level and the tribe a clear-cut decision in the 10th Circuit Court of Appeals before the question went to the Supreme Court.

Barrett found solace in three areas of the court's decision. He said the opinion "completely refuted and rejected the radical arguments that the Oklahoma Tax Commission has been vainly pursuing for the last five years." He cited the court's ruling on sovereignty, trust land and enforcement, but said that the opinion as a whole is confusing.

David Miley, the Tax Commission attorney, said the ruling didn't change much.

"The case does not really resolve anything," said Miley. "It's given the Tax Commission a basis for further arguments in other cases and it's given tribes a basis to mount their theories on. It doesn't come down on one side or the other."

On the question of sovereign immunity, which was important not only to the Potawatomis but also to other tribes across the nation, the court came down emphatically on the side of the Indians. Noting that attorneys for the Tax Commission had urged

Please turn to page 16

Candidate filing period April 1-3 for 1991 tribal election June 29

Filing opens April 1 for the 1991 tribal elections, set for June 29.

On the ballot this year will be a four-year term on the Business Committee, three two-year Grievance Committee posts, and referendum questions on set-aside funds. Filing will be open April 1, 2 and 3 from 8 a.m. to 5 p.m. at tribal headquarters.

The Business Committee slot on this year's ballot is the one

currently held by Hilton Melot, who has indicated he will seek re-election. Currently serving on the Grievance Committee are Gene Bruno, Joanne Johnson and J. P. Motley.

To qualify as a candidate for the Business Committee, the individual must be at least 21 years old, a tribal member, live in Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Please turn to page 2

Citizen Band Potawatomi Tribe • Request For Ballot • 1991 Election

In order to comply with the 1991 Election Ordinance, please fill out this form and return to:
Potawatomi Election Commission, P.O. Box 310, Tecumseh, OK 74873

NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____

CITY, STATE & ZIP: _____

Under penalty of perjury, I hereby declare this to be my legal signature and Potawatomi Tribal Roll Number:

SIGNATURE: _____ TRIBAL ROLL NUMBER: _____

THIS FORM MUST BE IN THE HANDS OF THE ELECTION COMMISSION BY JUNE 9, 1991.

TRIBAL TRACTS

Large group of tribal members awarded spring scholarships

The following Citizen Band Potawatomi Tribal members were awarded Tribal Scholarships for the Spring semester.

Barney Robert Melot - Central State University
 Deborah Reinhardt - Texas Wesleyan University
 Michael Gene Smith - Seabury-Western Theological Seminary
 Kathleen Lowry - East Central University
 Michel Marie Roberts - Cameron University
 Brenda Luann Lehman - Wichita State University
 Gayla Marie Barton - Mic America Vo-Tech
 Sharon Kay Alexander - Rolla Area Vocational School
 Deanna Allen - Metropolitan State College of Denver
 Patricia Carson - Seminole Junior College
 Thomas Shane Coker - Seminole Junior College
 Candy Comeaux - Rose State College
 Vickie Fritchman - Tulsa Junior College
 Louana Gay Kennedy - Langston University (UCT)
 Edith Elaine Wallace - Virgil's Beauty College
 Kimberly Washburn - Hillsborough Community College
 Donal Ray Williams - Indiana University
 Rebecca Ann Williamson - Seminole Junior College
 Randall A. Woodfin - Oklahoma Christian University of Science & Arts
 Kathleen Bea Goodman - University of Oklahoma College of Nursing
 Kathryn DeLonais - Cameron University
 Kimberlyn Quinn - Oklahoma State University - Oklahoma City
 Darlene Louise Irvin - Washburn University
 Sheila Parrish - Lamar University - Port Arthur
 Michelle Lovell - Oklahoma State University - Oklahoma City
 Anita Kay Hess - Kiamichi Area Vo-Tech
 John D. Baker - Western Oklahoma State College
 Deborah Ann Brewer - East Central University
 Richard Eugene Smith - Southwestern Baptist Theological Seminary
 Arletta May Robinson - Rogers State College
 Matthew Con Bearden - Northeastern State University
 Terry Lee Evans - University of Tulsa
 Susan Kaye Hartman - Oklahoma City Community College
 John Robert Weber III - Tulsa Junior College
 Robert Dale Dean - University of Arizona
 Barbara Jean Gregg - Connors State College

Marilyn Joy Hopper - Murray State College
 Lora Bell McHenry - Northeastern State University
 Terri Elizabeth Shay - Richland College
 Robert Ray DeVader - Manhattan Area Vo-Tech School
 Marvilyn Elaine McManaway - University of Texas-Austin
 Jill Bracebridge - Kansas State University
 Christopher Bruce Marsh - Normandale Community College
 Jill Cynthia Mills - Murray State College
 Ronald Steven Solem - Seattle Central Community College
 Stacey Ann Nocktonick - Kansas State University
 John Joseph Rose - University of Nevada - Las Vegas
 Christopher Derrill Shay - University of Texas at Dallas
 Carole Lowrance Weitner - Moorhead State University
 William L. Everett - Gordon Cooper Vo-Tech

It's not too soon for reservations for pow wow

It's not long until Pow Wow time. June is not that far away, especially for those of you who are coming in from out of town and need to make reservations.

If you are planning to camp, it is especially important that you call Mary Farrell at the tribe to reserve a camp site. Spaces are limited and are first come, first served. Don't risk waiting until the last minute if you think you may need a spot.

For those planning to stay in motels, here is a list of motels in the Shawnee area where you can call to make reservations:

American Inn - 5501 N. Harrison - 405-273-2000
 Best Western Cinderella - 623 Kickapoo Spur - 405-273-7010
 Colonial Inn - 4800 N. Harrison - 405-878-0120
 Comfort Inn - 4981 N. Harrison - 405-275-5310
 Econo Lodge - 5107 N. Harrison - 405-275-6720
 Holiday Hotel - Hwy. I-40 and Hwy. 18 - 405-275-4404
 Nobel Inn - Hwy. 177 and Acme Road - 405-275-8430

Remember, too, that there are now some nice facilities on tribal grounds for family reunions. If you want to reserve one of those spots, call Mary as soon as possible.

Photo identified

The picture of the gentleman in the December HowNiKan was identified by Gladys Small of Denver, Colorado. The gentleman is Gus Wilkowski who was the first husband of EvaLena Navarre.

Tribal members ask prayers for loved ones overseas

Tribal members all over the country are praying for the safety of loved ones serving overseas in Operation Desert Storm.

At regional council meetings since the war broke out, Chairman John Barrett Jr. has been asked for the names of those soldiers so that we can remember them in our prayers and share their names with you. We have only a few names so far, but look forward to receiving them from you.

Photos will also be used if sent. Please send the photo, name, mailing address and any personal information you wish to Mary Farrell at tribal headquarters.

Pictured here is Travis Michael Fulton of Los Animas,



Travis Michael Fulton
 Colorado. A Marine, he was stationed in Okinawa, Japan, as of the middle of January, accord-

ing to his father, Ronald E. Fulton Sr. of Lake Havasu City, Arizona. His mother, Sara Sanchez (she's of Cherokee descent) and his bride Vanissa Fauela live in Las Animas.

Fulton, 19, graduated from high school in Las Animas and completed his basic Marine training in June 1990. He is a descendant of Georgia Bumbaugh and the grandson of Grace E. Merrifield. He has two brothers, Jonathan and Ronald Jr.

So far, we have only two other names of Desert Storm soldiers, Marine Steven Fronstin, brother-in-law of Carol Fronstin of Phoenix, Arizona, and LCPL Robert Blue, boyfriend of Kelly Kritkauskys of Phoenix.

Chaplain sets monthly services for tribal members

Beginning March 3, monthly worship services with music and food will be held at the Potawatomi Health Services building.

The services will be held at 10:30 a.m. on the first Sunday of each month, said Tribal Chaplain Norman Kiker. The Health Services building is located on Hardesty Road east of Gordon Cooper Drive, across the railroad tracks on the south side of the road.

Those attending are asked to bring a covered dish of food.

"This should prove to be an enjoyable event," Kiker said. "I'm looking forward to seeing as many of you as possible."

He also asks that any correspondence to him be addressed to Citizen Band Potawatomi Tribe, 1901 S. Gordon Cooper Drive, Shawnee, Okla. 74801, Attn. Chaplaincy.

Donations listed to HowNiKan

Louise Roberts, MO-\$10
 Vernon Motley, OK-\$20
 Helen L. Hensley, OK-\$5
 Phillip Dorn, OK-\$1
 Lynn B. Moseley, TX-\$10
 Christine Pauley, IA - \$100
 Mike E. McCurtain, KS - \$10
 Donald J. Pearce, NY - \$10
 Gladys L. Moeller, KS - \$10
 Nina Kaul, Kansas - \$100
 Bonnie Farrell, California - \$10
 Lillian Mimnaugh, Arizona - \$5
 Ronald Fulton, Jr., Arizona - \$5
 Nevels & Patricia Vandagriff, Oklahoma - \$10
 Jamie M. Kindt, California - \$10
 Ruby E. Hubble, Oklahoma - \$5
 Dale Robinson, Oklahoma - \$5

Jerry Robinson, Oklahoma - \$5
 Jessie Robinson, Oklahoma - \$5
 Dewayne Robinson, Oklahoma - \$5
 Cletius & Susan Edwards, California - \$20

Tribal member in Who's Who

A tribal member is one of 63 East Central University students listed in the 1991 edition of "Who's Who Among Students in

American Universities and Colleges."

Campus nominating committees and editors of the annual directory included these students based on academic achievement, community service, and more.

Jason Melot of Saint Louis will be in the annual directory. A graduate of Tecumseh High School, he is the son of Business Committee member Hilton Melot and his wife Ramona.

Election — continued from page 1

Lincoln, Cleveland or Okfuskee counties and must never have been convicted of a felony. Filing fee is \$150, which will be waived upon presentation of a petition of candidacy signed by 150 tribal members or 27 per cent of the Council membership, whichever is less.

Serving on the Election Commission this year are Gary Bourbonnais, chairman; David Bourbonnais, Norman Kiker,

Esther Lowden and Don Yott. All but Lowden have served on the Commission for several years.

The Commission is accepted applications for absentee ballots submitted in proper form (see form on page 1). Applications must be postmarked by June 9 to allow time to mail out and return ballots.

In-person voting will be June 29 at tribal headquarters.

TRIBAL ELECTION NOTICE

The annual tribal referendum and election will be held on June 29, 1991. Voting will be at the tribal complex the day of the election from 7 a.m. until 2 p.m. Requests to vote an absentee ballot must be made by June 9, 1991. Requests for absentee ballots must be in writing and include the correct mailing address, roll number and legal signature of the person making the request.

A referendum budget to determine expenditures of accumulated interest from set-aside funds, as well as election of one business committeeman and three grievance committee members, will also be on the ballot.

Requests for tribal election ballots should be mailed to: Potawatomi Election Committee, P. O. Box 310, Tecumseh, OK 74873.

The filing period for candidates in the 1991 election is April 1, 2 and 3.

TRIBAL TRACTS



Young Potawatomi artist

Ashley Elle Anderson, left, age 8, is shown with Ruth Smith, director of the American Indian Heritage Center of Texas. Ashley won the \$50 second place award for 17 years and younger with her colored pastel and marker art work, "Blue Horse," right, at the Texas Indian Experience Exposition in Dallas Jan. 19. Ashley said her work was inspired by Woody Crumbo's "Rainbow Horse."

Nickles on Indian Affairs committee

Oklahoma Sen. Don Nickles has been appointed to the Senate's Select committee on Indian Affairs. The committee works with tribal government leaders, as well as Indian, Alaska Native, and Native Hawaiian organizations to develop programs and policies concerning Indian sovereignty, the trust relationship between the United States and tribal governments, and Indian self-determination.

Nickles said he received letters from nine Oklahoma Indian leaders requesting the he join the expanded committee. The leaders represent the Absentee Shawnee Tribe, Cherokee Nation, Chickasaw Nation, Choctaw Nation, Creek Nation, Ponca tribe, Sac and Fox Nation, Seminole Nation and the Wyandotte tribe.

The committee, chaired by Sen. Daniel E. Inouye (D-HI), expanded its membership for the current session of Congress from 10 members, (six Democrats and four Republicans) to 16 members (nine Democrats and seven Republicans). Other new members joining the committee are Daniel Akaka (D-HI), Pete Domenici (R-NM), Nancy Kassebaum (R-KS), Paul Simon (D-IL) and Paul Wellstone (D-MN).

"I have had meetings with the leaders of all the Indian groups in Oklahoma in recent weeks, and several requested that I take a seat on the Select Committee, so I have decided to do so," Nickles said. "The committee, under the chairmanship of Sen. Inouye, is expanding and becoming more active and promises to become involved in many areas in which I have a great interest."

Missing persons — we need addresses for these people

Here is the second installment of our list of names of tribal members for whom we have no current addresses. If you are receiving your HowNiKan, the address we have is correct. These names are from the BIA, which may not be as accurate as tribal records.

Dailey, Marwood Cecil
Dalton, Darla Jean
Danieley, Vickie Lee
Daniels, Alisha Marie
Daniels, Brian Keith
Daniels, Frances Marie
Daniels, Sherri Lynn
Darling, Rodney Joe
Darnell, Richard C., Jr.
Davenport, Neil Edward
Davis, Pearl Frances
Day, Ronald James, Jr.
Dean, Stephanie Aline
Dean, Vernon Boyd
Deatherage, James Harrison
Dechellis, Marc L.
Degraff, Anna Marie
Degraff, Ethel Mae
Degraff, Judith Kay
Delonais, Victoria Lee
Denny, Barbara Irene
Denny, Kimberly Ann
Depel, James Anthony
Detherage, Boyzie Blue
Detherage, Chris Allen
Devader, David Duane
Dewitt, Charles Ray
Dewitt, Lee Roy Jr.
Diaz, Lisa Ann
Dibler, David Eugene
Dick, Tandra Michella
Dickinson, Gary Dale
Dieffenbacher, Christopher John
Dieffenbacher, Mark Herbert
Dike, Layne C.
Dike, Richard G.
Dike, Ronald C.
Dixon, Kelly Ann
Dohrmann, Carol Ann
Donelson, David Lee
Donelson, Deborah Margaret
Donelson, James Louis
Dority, Kimberly Kay
Dorsey, Patricia Ann
Dowell, Edna Lorene
Dowling, Helen Leslie
Draughn, Valinda Sue
Dulany, Galen Robert
Duray, Sheryl A.
Durbin, Joseph Kendall
Durbin, Regina Denise
Dutton, Helen F.
Duvall, Albion Allen Sr.
Dwyer, Shauna Suzanne
Eby, Everitt Eugene
Eby, Paul Riley
Eddy, Marguerite
Edgar, Michael Allan
Edwards, Cloren Chris
Elissay, Sue Ellen
Ellis, Oma Sharon
Elroy, Bonnie Jane

Emert, Billy Eugene
Emert, Gary Dean
Emmett, Larry Gene
Epp, Gloria Joy
Ericksen, Robin Diane
Ericson, Michael Lee
Estabrooke, Deanna Louise
Etter, Mary Ann
Fagan, Marygene F.
Fagerland, Maureen Helen
Fairchild, Andrew C.
Fairchild, Douglas P.
Fairchild, George R.
Fairchild, John E.
Faithful, Carlene Marie
Farley, Mary Pamela
Faulkner, Gerald Lee
Faulkner, Kenith Odell
Faulkner, Ronald T.
Farrell, Helen
Fehr, Judy Ann
Ferguson, Michael Patrick
Fetter, Terri Lynn
Fields, Janice C.
Finch, Craig Allen
Finley, Carolyn Sue
Finley, Elizabeth
Finstertwald, Patricia Eloise
Fisher, Jody Brooke
Fleming, Barbara L.
Fletcher, George R. Jr.
Fletcher, William Fredrick
Foutz, Cara Marie
Foutz, Crystal Ann
Foutz, Jace Courtney
Fox, Charles F.
Fraasch, Maryellen
Francis, Lisa Dolleyne
Francisco, Larry S.
Fraye, Earl Franklin
Frazier, Beatrice C.
Frazier, Michael Robert
Frazier, Steven Patrick
Frey, Blanche
Frey, Frederick John
Friend, Judith Ann
Fritsche, Audrey Edguena
Frye, Jimmy Cordell
Frye, Larry Cordell
Fuller, Verna M.
Gage Patricia Lynn
Gager, Raymond J. Jr.
Gardom, Bruce Wade
Garrison, Vickie Elaine
George, Billie E.
George, Darla Frances
George, Lynden Wade
Gibson, Dennis Eugene
Gibson, Elizabeth Ruth
Gibson, Steven Hoot
Gilbert, Allen Wayne
Gill, Donna Jean
Glasgow, Andrew Judson
Glass, Terry Lynn
Glendenning, Michael Ray
Goforth, Ricky Lee
Gonzales, Michael
Goodearl, James Parker
Goodman, Kevin Dewayne

Goodson, Jack Allen
Goodwin, James Ray
Gordy, Judy Garland
Gorrell, Arthur Duane
Gosselin, Norman Lee
Goyer, Carol Ann
Goyer, Kathleen A.
Goyer, Marvin Hugh
Gradle, Charisse Ann
Graef, Mercedes A.
Graves, Carolyn Joan
Graves, Susan Marie
Green, Gregory William
Green, Richard D.
Green, Terri Ruth
Greenfield, Carey D.
Greeson, Alvin Otto Jr.
Greeson, Craig Doran
Greeson, Joan Lorrain
Greeson, Michael Kermit
Gregory, Deborah Kay
Gregory, Steven Clark
Grexa, Barbara Ann
Grider, Audrey Marie
Grider, Ronald P.
Griggs, Chris Inez
Grinnell, Debra Ann
Grizzle, Cheryl Ann
Gross, Katharine June
Gunn, Medora Louise
Haas, John E.
Haas, Kaye Lynn
Haas, Larry Joe
Haas, Minnie May
Haber, Peggy L.
Hales, Pattie A.
Hall, Daryl Lee
Hallam, Anthony William
Hallstrom, Colleen Margaret
Hamilton, Bill James
Hamilton, Judy Mae
Hardin, Jack M.
Harmon, Zonnia V.
Harp, Tina Marie
Harper, Charlie Leory III
Harper, Milburn Oscar Jr.
Harridge, Fred Albert Jr.
Harris, Carole Lynn
Harris, Nancy L.
Harrison, Mary Ann
Harrison, Robert A.
Hartness, Danny Ray Jr.
Haskell, Diana Lynn
Haskell, Paul Michael
Haskell, Ronald Earl
Haskew, Dennis Patrick
Hathcock, Noel Steven
Hays, Nina Jo
Hayward, Diane A.
Heer, Grace A.
Heinken, Mamie N.
Heinrich, Glenda Kay
Hembree, Bradley Lewis
Henderson, Kathleen
Hendrick, Betty Ann
Henley, Myrtle Marie
Henslee, Walter Malcolm
Hensley, Bruce T.

Hensley, Susan Lynn
Hensley, Thomas
Herriman, Georgia F.
Herrod, Lanny Chris
Herrod, Marjorie Ann
Hicks, Jackie Lee
Higbee, Loyd O.
Higbee, Randall B.
Higbee, Van Lewis
Higbee, William Anthony
Higdon, Stanley Wayne
Higgins, Maureen Elizabeth
Hightower, Diane I.
Hill, Judy P.
Hill, Virginia Dorris
Hill, Willard Lawrence
Hillemeier, Mary Lynn
Hines, Rodney Lee
Hinton, Allan Jared
Hinton, Allen Boyd
Hinton, Nakia Dawn
Hitt, Allie B.
Hobgood, David Aaron
Holeman, Larry Dale
Hollis, Deanna Doris

Holloway, Roy W.
Holmesley, Steven Ross
Honeycutt, Rhonda Jean
Hoogstraten, Shelly Lynn
Hopcus, Evelyn Rae
Hopcus, Gary Ray
Hopkins, Robert Eugene
Horner, Ronald Don
House, Charles Everett Jr.
Housewright, Velana Elnora
Howell, Johnnie Mae
Howell, Leland A.
Howell, Meda M.
Howell, Samuel Edward
Hubble, Freddie J.
Hubble, Harold D.
Hubble, Jerry Lee
Hughes, Eleanor Ann
Huhs, Madeline E.
Hull, Joseph T.
Hull, Ruth Ann
Hunziker, Mary Helen
Hutton, George Edward
Hutton, Rosemary P.

ADDRESS CHANGE FORM

The following is my current mailing address.

Name: _____
(Include Maiden) (Please Print)

Address: _____

State: _____ Zip Code: _____

Birthdate: _____

Send To:

Citizen Band Potawatomi
Indians Of Oklahoma
1901 Gordon Cooper Dr.
Shawee, OK 74801

Roll No. _____



A Potawatomi welcome to these new members

- Allison, Lance Wade
Anderson, Gregory Dean
Anderson, Kevin Chase
Anderson, Melissa Jo
Andrews, Gabriel Forester
Andrews, Kevin Thaddeus
Andrews, Rory Martin
Anttonen, Mathew Jacob
Baird, Steve Allen
Barnes, Cody Lee
Barnes, Dolly Kristin
Barnes, Paul Russell
Bell, Micah Leon II
Bibb, Frances Elaine
Blevins, Aaron Tyler
Boothe, Dorothy Brianna Rose
Bramlage, Brandon Reese
Bramlage, Cameron Dean
Bramlage, Mitchell Lee
- Bridges, Marla Jonelle
Brotherton, Della Dawn
Butler, Sterling O'Neal
Chaffin, Amanda Michelle
Coffman, Holly Michelle
Coffman, Joy Louise
Coffman, Megan Theresa
Collins, Carri Lee
Coulter, Daniel Lee
Coulter, Jo Danielle Stratton
Croy, Matthew James
Croy, Melissa Anne
Croy, Michael Christopher
Darvin, Allison LeAnne
Darvin, Janna Diane
Darvin, William Jason
Detlefsen, Karen Marie
Dill, Angela Donnice
Dill, Bradley Keith
- Dill, Lola Cara
Dorn, Holly Ann
Dorn, Leesa Gayle
DuBose, Caitlin Nicole
DuBose, Megan Elizabeth
Etheridge, Kellie Ruth
Fooks, Jr., Phillip Alan
Fooks, Sheri De Ann
Goldsby, Linn Ann
Goyer, Kevin Lee
Goyer, Mary Katherine
Goyer, Stephen Michael
Graves, Kristinagrace Muyco
Green, Jeremy Ryan
Greenwood, Holly Rae
Greenwood, Jason Allen
Greenwood, Richard Lee
Greenwood, Shaun Michael
Gullixson, Kaitlyn Marie
- Gullixson, Leslie Smith
Harp, Rodney Allen
Hejny, Stacy Michele Perry
Hiseley, Britney Joann
Hopkins, Broc William
Jones, Robert Aaron
Julian, Amy Renee
Julian, Carla Michelle
Kessler, Tod Edward
Klein, Amanda Lenore
Klein, Katie Rose
Knapp, Lindsay Whitner
Lancaster, Briana Jo'Chelle
Lancaster, Micki Rochelle
Levin, Alexandra
Luther, Ramae Lynn Maritt
Mann, Justin Blake
Maritt, Brad Rickner
Marler, Elizabeth Anne
Marler, Erin Everett
Martin, Philip Hugh II
Matlock, Christopher David
McGirt, Tammy LeeAnn
McGregor, Fraconda Jaylynn
McGregor, James Darrell II
McGregor, Lisa Diane Kinslow
McGregor, Nathan Earl
McNeely, Crystal Gray
McNeely, Heather Marie
McPeak, Aaron Chandler
Melott, Jasmine Marie
Melott, Lori Lynn
Morris, Jesse Randall
Morris, Juliette K'Jean
Morris, Lindsay Alissa
Morris, Lissa Camille Melot
Morris, Thomas Zachary
Nichols, Danielle Nicole
Nichols, DeeAnn Smith
O'Brian, Douglas
Palazzetti, Jordan Michael
Perry, Dana Leigh
Pershall, Bryan Robert
Pierce, Kourtney Danielle
Richardson, Lisa Anne Garcia
Robinet, Diana Kay
- Robinet, Troy Dwayne
Sanford, Heather Katrina
Sanford, Megan Nicole
Scharlow, Jason Allen
Scharlow, Nikki Marie
Schauer, Kari Alta
Schauer, Karla Kathleen
Schuyler, Andrea Lyn
Short, Justin Aaron
Silva, Jared Kole
Silva, Jordan Kale
Smith, Steven Wayne
Soutter, Samuel Ryan
Soutter, Stacy Roy
Stebbins, Michele LaWayne
Stebbins, Rebecca Marie
Stebbins, Robert Michael
Stodghill, Andrew Perry
Taliferro, Barbara Jean Melott
Tarter, John James
Tilschner, Ashley Nicole
Trousdale, Jason William
Trousdale, Jeremy Earl
Trousdale, Kendra Marie
Trousdale, Sarah Ellen
Trousdale, Stefanie Renee'
VanVacter, Caleb Ryan
VanVacter, Justen Cole
VanVacter, Leah Renee
Vargas, Steven David
Veitenheimer, Michael Duane
Veitenheimer, Savannah Jo
Wade, Pasia Marie
Wade, Sarene Denee
Wade, Tevan Thomas
Wade, Tosh Arthur
Wagner, Benjamin John
Wagner, Jr., Timothy Wayne
Wagner, Leah Kristine
Wagner, Lydia Cathleen
Williams, Kim Melanie Choate
Williams, Michael Christian
Williams, Tiffany Michelle
Wintz, Valerie Rene Lowrance
Yancey, Elizabeth Ashley
Yancey, Ryan Scott

Indians now state's largest minority

(From The Daily Oklahoman) — Indians have become the state's largest minority group, surpassing blacks in that distinction for the first time since statehood, U.S. Census Bureau data released recently shows.

Despite double-digit growth percentages in all minority group populations, civil rights leaders expressed concerns about undercounts of both blacks and Hispanics.

Meanwhile, the state's white population fell by 14,279 people since 1980, census data showed.

State lawmakers will use the numbers to redraw legislative districts, using racial breakdowns ideally to give fair representation to minorities.

People declaring themselves American Indian, Eskimo or Aleut rose by 49 percent since 1980. There are 252,420 Indians in the state, representing 8 percent of the state's 3,145,585 people. Blacks in the state — 233,801 people — comprise 7.4 percent of the population. Historically, blacks have been the state's largest minority population, according to census data.

The last time Indians were the largest minority group was in the 1900 census, according to past census data. Oklahoma became a state in 1907.

Cherokee Principal Chief Wilma Mankiller said the jump in Indian population will affect Indian programs that are based on census data.

"I'm not surprised because our tribe overall is increasing by about 1,000 people a month," she said.

She pinned the increase on increased pride in Indian Heritage and economic factors.

More Cherokees are joining the tribe to take advantage of the tribe's programs, including health benefits, she said. The 116,000 members of the state's largest tribe have documented backgrounds, she said.

"I think pride in heritage is a big factor in the increase," she said. "The other tribes have been experiencing tremendous growth, too."

Nationwide census data compiled in 1988 show white population dropping from 86 percent to 84.45 percent since 1980, blacks climbing from 11.8 percent to 12.3 percent, Indians rising from 0.63 percent to 0.69 percent and Asians from 1.65 percent to 2.66 percent.

Statement Of Condition
December 31, 1990

ASSETS	
Cash and Due from Banks	833,533
Federal Funds Sold	1,980,000
Investment Securities	2,728,171
Federal Reserve Stock	75,000
Net Loans	13,041,096
Bank Premises, Equipment and Fixtures	411,164
Other Assets	715,020
Total Assets	19,783,984

LIABILITIES	
Deposits	17,745,599
Other Liabilities	202,644
Stockholder's Equity	1,835,741
Total Liabilities and Stockholder's Equity	19,783,984

OFFICERS	
Dennis D. Jett	President, Chief Executive Officer
James R. Hayden	Senior Vice President
Jane Harris	Vice President and Cashier
Betty Morris	Operations Officer New Accounts

DIRECTORS	
John A. Robinson, M.D.	Ophthalmologist, Chairman of the Board
John A. Barrett, Jr.	Refinery Owner Vice Chairman of the Board
Dennis D. Jett	President, Executive Officer
Jerald A. O'Conner	Harvey's Inc.
James R. Hayden	Senior Vice President Secretary to the Board



FCB THE FIRST OKLAHOMA BANK
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In your opinion ...

Letter Writer shares thoughts on Native American languages

Letter to Editor:

The Citizen Band is one of the few who are making remarkable progress in the world today. HowNiKan publishing the treaties, removal rolls, and letters from members make it most valuable to its members. So many write in telling they are proud to be Potawatomi, which is as it should be. But are the Citizen Band and others in neglect?

I then read the Lakota Times who say the same thing as they also should. But this is where the difference occurs. Many of the Sioux write of having been robbed of their culture and language.

The Sioux, Mohawk, Navajo, and some others have the chance to do something about the loss of language and culture. They have schools and colleges that can

be attended to right the situation.

Two things have recently happened to make me wonder if there is neglect. First - Potawatomi, Jerry Lewis is teaching school children coming to a Native American Museum, of his (Pot) culture and also using his language saying the names of people and other articles in the museum. The kids probably won't remember the Potawatomi names of things, but what if they met a Potawatomi and started a conversation which would have one of your members at a complete loss?

The second thing - I went to see the powerful movie *Dances With Wolves*. Though you are not a plains tribe you people should know some of other tribes cultures. There were many scenes that

Native Americans who have lost their culture, whites and others will not understand. I'm only thankful that I do. One thing everyone should go see the movie. It is one of the best if not the best.

Cheyenne Autumn and *Sees Far Woman* are the only two I can think of that comes close.

With all the rich culture the Woodlands Native Americans have I don't think any movie was made of except for maybe in short films and not shown or large scale.

Many of your people may or may not agree with me. Most would probably say they are too busy supporting their families or don't have the time.

The beauty of native American colleges is that they are going there anyway

and why shouldn't they learn about themselves while there.

My next thought is how many could even start teaching the language? You have groups in Texas, California, Colorado, Kansas, Wis., etc. What about the bands in Michigan, Canada, etc. I'm not sure, but believe these last two places may be somewhat keeping the language.

What better timing than this. Pat Lock's column in the Lakota Times tells of Pres. George Bush signing into law The Destruction of Indian languages. (see Lakota Times 11-20-90 page A5). Get copy of page 101-477.

The fight was hard and long, but the final result says it all — recognition.

Sincerely,

Max R. Breslauer
Calumet, City, Illinois

Reader enjoys hearing from lost relatives

Dear HowNiKan,

In response to the letters published in your last paper. It was so nice to hear from relatives I never knew existed.

I am a granddaughter of Tom Anderson. My mother's name was May Anderson McCaskey. I have two sisters living in Tulsa, Oklahoma. I did have a brother Junior who passed away some years ago. Also a sister who died at birth.

I was told by my sister the ladies in the old car were sisters of my Grandpa Anderson.

If the people John Kremenak and Elizabeth Kremenak would like my address or to contact me to learn more of our relation, I would be glad for them to have my address.

I am the baby of the family of May Anderson McCaskey and Hobart McCaskey. My mother died at my birth. Sincerely,

Mae Gaither
420 W. D St.
Dixon, Ca 95620

Genealogy research has good results

Dear HowNiKan,

When many people work together on a task, good results frequently follow. Sharing the results completes the circle. This sure is true of the genealogical work I have been doing on my wife's great-great grandfather, Alex Muller. He and his family appear on the 1867 addendum to the 1863 Roll.

Recently, a number of people have contributed to an advancement in the knowledge we now have. Deborah Nickou of Browning, Montana told me there was some data on Alex in Iowa. Ron Bourassa of Colorado Springs, Colorado told me it was in a roll of National Archives film in the Citizen Band Library, and he gave me a transcription of it. Mary Farrell took the time from her busy schedule to make copies of the material I described, and even added some other materials which proved most valuable. (The films can't leave the library, even to go to California). Mrs.

Gladys Moeller, of Kansas, provided some special local census materials from Rossville, Kansas (location of the Potawatomi National Reserve) from which almost all Citizen Band ancestors came, prior to accepting land in Oklahoma.

We now know that Alex was born in Michigan, lived on the United Band's Reservation in Iowa from 1835 through 1865, worked for a time in the fur business, lost his Potawatomi payments because he remained in Iowa when the rest of the tribe went to Kansas, and hurried to Kansas in 1866-67 to get in on the "final roll" just before it closed. If he hadn't "moved it" my wife, Willa (Niki) wouldn't be a member of the Citizen Band!

Isn't family history fun? Let's have more cooperation in family searches!

Vincent and Niki Correll
840 E. Cole Ave.

Writer is thankful for HowNiKan and tribe

Dear Editors:

Enclosed is a donation in appreciation of my children and I receiving the HowNiKan. It keeps us up-to-date on news of "our people." Though in actuality we are "shirt-tail relatives" you have claimed us as yours and made us feel a part of tribal activities though we live a good distance from Shawnee.

I was born in Purcell, Oklahoma and my grandmother, Muriel Denison Jenks, kept the Potawatomi part of my heritage alive.

As a teacher and free-lance writer, I know the high cost of publication so this a mere token of appreciation.

Thank you.
Sincerely,

Christine Pauley
Milo, Iowa

(Mrs. Pauley donated \$100.00 to the HowNiKan)

Dear Brother:

Please find enclosed a check for \$10.00 in support of your fine newspaper.

Thank you,
Sincerely,

Mike E. McCurtain
Topeka, Kansas

Golf tournament at Fire Lake success

Dear Mr. Lair:

On behalf of the Little Axe Home Run Club, I would like to take this opportunity to thank you for helping to organize and conduct our golf tournament on Sunday, October 14.

Please express our appreciation to all your employees for their help, and a special thanks to Truman Kaskuske, Jason Crouch, Bruce Glover, Rusty Hill and Rocky Larney. The course was in great shape, and your employees were most helpful with the rules, player registrations, serving refreshments, providing score sheets and announcing tee times.

Due to the work of you and your fine staff, we had a very successful tournament. Again, thank you for all your help. Sincerely,

J. D. Little Jim, President
Little Axe Home Run Club

Desert Storm troops need our support and letters

Dear Editor:

At the regional Potawatomi Tribal meeting in Phoenix, Arizona, you had asked for addresses of family members in Saudi Arabia in Desert Shield. My brother-in-law, Steven Fronstin, is there with the US Marines. Now that the Shield has become the Storm the troops need the support of the people in the States.

When Desert Shield was in progress at the time of the tribal meeting, the service men and women were just sitting around and training to do battle. Now they are very busy in battle but would still appreciate a kind word or two from those of us in the states who support them. Regardless of a person's personal beliefs about the necessity of the US being involved in a war with Saddam Hussein, the troops need the support of their fellow countrymen.

I have written Steve that you would be publishing his address in the Potawatomi Tribe's newspaper, but have not heard a response from him yet. It usually took about three weeks for letters to reach him and/or a letter from him.

Thank you for your efforts in support of the US troops!!

Sincerely,
Carol Fronstin
4508 N. 2nd Drive
Phoenix, AZ 85013

CWO-3 Steve Fronstin, 527-60-0293,
U.S.M.C.

Bulk Fuel Company

Reunion planned for June in New Orleans

Dear HowNiKan:

There will be a large Juneau Family Reunion in New Orleans June 27-29, 1991. This is an International Family Reunion and there are already reservations from Canada, France and all over the United States. For more information, brochures, reservation blanks, etc., contact Virginia Juneau, Juneau Family Reunion, P.O. Box 7864, Shreveport, LA 71137.

Gladys L. Moeller
Oskaloosa, Kansas

Family enjoyed Phoenix meeting in January

To Tribal Chairman and Council Members,

I wish to express my appreciation for the invitation to the meeting held in Phoenix, Arizona at the Double Tree Inn, January 12th.

My family and I sure enjoyed the meeting and excellent lunch. Hope to meet you at the PowWow in June.

Thanks much,
The James Gardom Family

Writer would like to find half brother

Dear Editor:

I am trying to find my half brother.

My father George Bostick was married to Jenny Albert. They had this one son, born around 1900. He then married my mother Grace Moody and they had 1 son and 5 daughters.

I would be very grateful for any help in obtaining information about this.

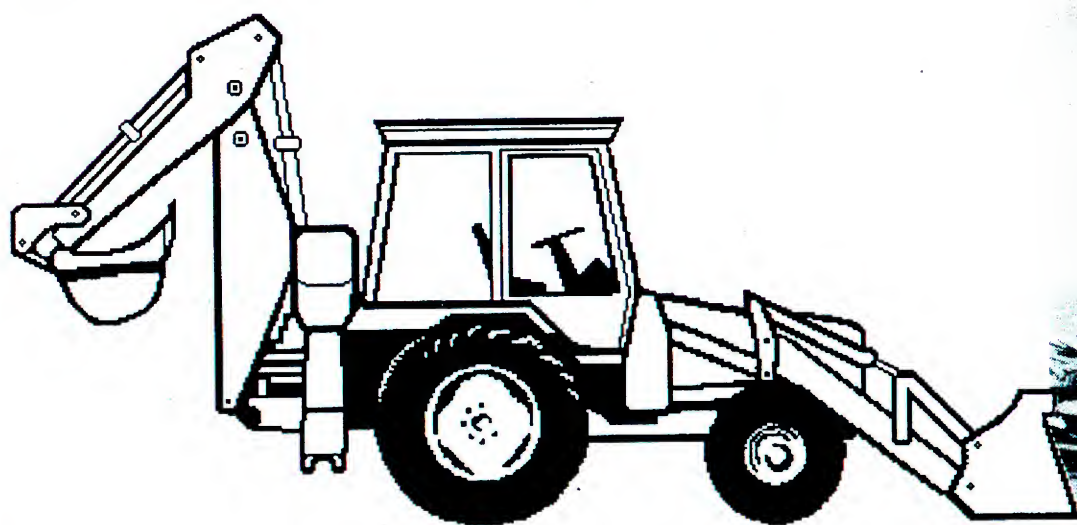
Thank You,
Elvina Heavener
425 S. Tittle
Mangum, OK 73554



*And the
walls came
tumbling
down . . .*



**On February 12, 1991 the former tribal police station was demolished.
A new station has replaced it and is behind the administration building.**



FROM THE CHAIRMAN

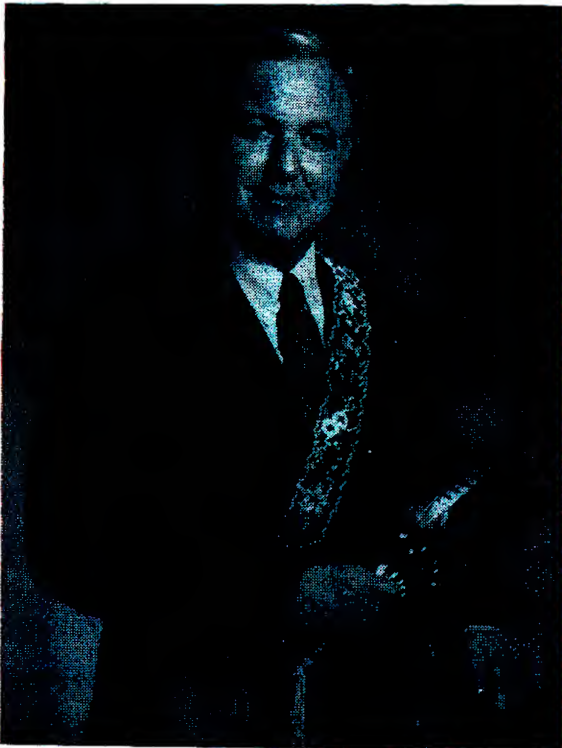
By John A. Barrett Jr.

Bourzho Nikon (Hello My Friends)

If my letter had a headline, it would be: "With Friends Like This, Who Needs Enemies?"

As you can see from the lead story in this issue of the HowNiKan, our long awaited decision on the cigarette tax issue before the United States Supreme Court has been decided. We are still trying to understand what we should do, since the decision leaves many issues unresolved. One subject that was indirectly addressed is one with the potential for incredibly dangerous results. This issue is also one that makes me very angry. I don't like to write about negative things but this story needs to be told.

In the decision from the Supreme Court, there is language that says, in effect, that the issue of whether the State of Oklahoma can sue individual tribal officials to recover back taxes or compel the tribe to give them records had not been decided, but the court had never held that they could not. This statement is an open invitation for Oklahoma to sue us individually. This would also apply to Indian tribes everywhere whose



officials had been protected from harassing lawsuits by states under the doctrine of sovereign immunity. In other words, you couldn't sue the tribe by suing its officials before this decision. What makes this so dangerous is that when this starts to happen, no one will dare to run for office who owns their own home, business, or has any assets the state courts could seize if the officials lose the lawsuit. It would be so personally risky to hold tribal office, no one would run! Indian governments all over the United States would roll over for every spurious lawsuit some shyster lawyer in some tax commission could dream up, or go broke fighting them.

This language was not something the Supreme Court just dreamed up. It came from language contained in a brief filed in the Court. It came from a brief that was filed with our permission. Worst of all, it came from a brief filed by an Indian rights group that is supposed to be on the side of Native Americans. Why this unbelievably irresponsible act was committed, I cannot say. I can say who did it.

There is a group of lawyers in Washington that work for an organization called NARF. This stands for the Native American Rights Fund. It is supposed to be an Indian advocacy group. This group, which is funded by donations from people and tribes that care deeply about Indian issues, asked our permission to file a brief in support of our case before the Supreme Court. We gave them permission thinking they would help our cause. Instead, a woman lawyer named Melody McCoy added a footnote in the brief that proposed that the remedy for Oklahoma to use to get inside of the doctrine of sovereign immunity, the way for the greedy tax collectors to raid the tribe's treasury, was to sue individual tribal officials. She was told that we objected to this language, but she left it in the NARF brief anyway. She was told by the lawyers for other tribes, that this was wrong and dangerous but she left it in anyway. She even had the audacity to tell our lawyer that she really wanted a full paragraph advocating this idiotic sabotage, but her bosses made her add it as a footnote. Her bosses should have fired her. They should fire her now. The Supreme Court would never have picked up this language had it not come from a prominent Indian legal group. Our own kind stabbed us in the back. Even the Oklahoma Tax Commission didn't ask for this action in their brief. There is no mention in any court record or filing in all three courts that have heard this issue for over three years that mentioned one word about suing Tribal officials. I am going to write every elected official with every tribe in the United States a personal letter telling them how they and their people have been put at risk and by whom — Melody McCoy and

Megwetch



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Signature

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postage &
handling - \$2 for Total
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Tribal Roll Number.

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Address:

City:

State:

Zip:

Mail Order Form & Payment To:
Potawatomi Museum Trading Post
1901 Gordon Cooper Drive
Shawnee, Oklahoma 74801



SEATTLE REG

Saturday, February 2, 1991



Jerri Allen, Eugene, Oregon, was given a clock for traveling farthest — 300 miles



Helen Atkinson, 80, was honored as the eldest member present and was given a shawl.



Spencer Kulani, 9 months, was the youngest boy present and enrolled



Rayanna Raney, 8 months, was the youngest girl present and enrolled



Nicole Baghaw, left, won a drawing for a little girls' shawl presented by Linda Capps.



Hilton Melot addresses the meeting wearin a new sash.

REGIONAL COUNCIL

Holiday Inn Crowne Plaza



Chairman Barrett explaining the significance of a feather at Seattle regional.



Four generations of women in one family were present. From left, Ruth Schmidt and Kristi Gleaves holding Kandi, standing, Derek Losey, Kristi's brother and Sandy Schmidt

Seattle Regional Members and Guests

Members

Chuck Bixby
 Mary K. Sullivan
 Ken Solem
 Mack A. Navarre
 Michael F. Navarre
 Mitchell F. Navarre
 Ronald D. Horner
 Lewis A. Navarre
 Milburn Harper
 Sonny Higbee
 Ronald S. Solem
 Phyllonise Kulani
 Spencer Kulani
 Sue Thompson
 Marcus E. Thompson
 Patty McSherry
 Cindy Jackson
 Ann Vance
 Erma Soelter Pozzobon
 Donna Soelter Williams
 James W. Higbee
 Susan J. Campbell
 Vera Airth
 Frank Andes
 William Anderson
 John L. Barrett
 Sharon N. Michelson
 Temple Mounts
 Agnes Bass Hernyack
 Vincent D. Smith
 Margaret G. Allen
 Joyce E. Bartam
 Jim N. Soelter
 LaVera Welch Soelter
 Rusty Soelter
 Helen Atkinson
 Carolyn R. Orr
 Jack W. Bazhaw
 Bradly Bazhaw
 Nicole Bazhaw
 Ruth Schmidt
 Derek Losey
 Kristi Gleaves
 Kandi Gleaves
 Carlos F. Hernandez

Sandra Schmidt
 Jan Nestler
 R.W. Murphy
 Edith Anderson
 Dan Dansenburg
 Cynthia Laney
 Julie Barich Davison
 Peter Davison
 Joseph J. DuPuis
 John Pat Bourassa
 Mary Anderson
 Derek Laney

Guests

Aaron Reardon
 Anita Bartram
 Angela Bartram
 Julie Spence
 Jack Orr
 Sam K. Gleaves
 William Santee
 Linda L. Higbee
 Eric Campbell
 Sam J. Pozzobon
 Kevin K. Airth
 Mrs. Vincent D. Smith
 Walter Allen, Jr.
 Gayle Bixby
 Joel Solem
 Velvet Navarre
 Suzi Grubb
 Mary Lou Navarre
 Teresa Homer
 Elaine E. Navarre
 Corrie Solem
 Andrew Solem
 Jasmin Solem
 Phillip Kulani
 Heather Kulani
 Jesse Thompson
 Jim Maddux
 Faun Maddux
 Gretchen Murphy
 Ken Jackson
 Donna Choke
 Ellery Choke

Tribes in Oklahoma...

Welch receives Native American Literature Prize

Norman — Author James Welch, whose writings explore the American Indian's search for identity in his native land, is the 1991 recipient of the Native American Literature Prize, presented for the first time at the University of Oklahoma.

Welch, who lives in Missoula, Montana and is a member of the Blackfeet and Gros Ventre tribes of northern Montana, received the \$5,000 award at a ceremony Feb. 19 on OU's Norman campus.

Following the prize presentation, he gave a public reading from his latest novel, "The Indian Lawyer."

The Native American Literature Prize is sponsored by OU and is underwritten by the Southwestern Bell Foundation.

"The Native American Literature Prize was established at OU to celebrate eminent contributions to literature," said the chairman of the prize committee, Gerald Vizenor, who holds the David A. Burr Chair in Letters and is himself an acclaimed American Indian writer.

"The prize will be an annual award presented to an author who has published outstanding literature about Native American Indians," Vizenor said.

To determine the recipient of the award, a prize committee nominates several colleges and universities, Vizenor said.



James Welch

In addition to Vizenor, the prize committee members are Kimberly Blaseser of the University of Wisconsin, Louis Owens of the University of California, LaVonne Ruoff of the University of Illinois at Chicago, Alan Velie of OU, Tom King of the University of Minnesota and Terry Cochran, director of the Wesleyan University Press.

Born on the Blackfeet Indian reservation in 1940, Welch has spent most of his life in Montana. In addition to "The Indian Lawyer," Welch is the author of "Winter in the Blood," "The Death of Jim Loney," and "Fools Crow," acknowledged as classics of Native American literature.

Program aimed at gifted and talented students

Gifted and talented American Indian and Alaska Native secondary students will have a unique opportunity to enhance their special abilities this summer. With great pleasure American Indian Research and Development Inc. announces that its sixth summer residential program, Explorations in Creativity VI, will be held at Oklahoma City University, June 9-29.

Explorations in Creativity provides a learning environment especially designed to stimulate outstanding Indian/Alaskan native student's abilities with learning experiences to enhance individual skills with a tribal cultural orientation. Exceptional teachers from across the nation will use creative and holistic teaching methods to help students maximize their potentials in the areas of: Art, Athletics, Computers, Contemporary Indian Affairs, Creative Writing, Dance/Drama, Mathematics, Multi-Media Production, Science, and Video-Production. In addition, students will participate in a variety of tribal activities, listen to and interact with outstanding national Indian leaders and increase their understandings of tribal value systems, lifestyles, and government.

Approximately 125 gifted and talented American Indian and Alaska native Jr. High and High School students from across the nation will be chosen to participate in this challenging program. Nominations will be accepted until March 22, 1991. For more information contact: EIC VI Project Director, AIRD, Inc., 2424 Springer Drive, Suite 200, Norman, OK 73069.

Support Your HowNiKan!

OIBA elects new officers for 1991

The Oklahoma Indian Bar Association (OIBA) recently elected new officers for 1990-91.

Arvo A. Mikkonen (Yale '86), an attorney with the Andrews Davis Legg Bixler Milsten & Price law firm in Oklahoma City and Adjunct Professor of Law at OCU, was re-elected as president. Mikkonen, the president elect of the national American Indian Bar Association, practices in business litigation, Indian affairs, probate, and trademark law. He also is currently a judge for the Court of Indian Appeals for the Anadarko Area Tribes, which serves 12 Indian nations in western Oklahoma.

Allen Core (O.U., '88), a Tulsa private practitioner was elected vice president. In addition to his general civil and criminal practice, Core serves as the public defender for the Courts of Indian Offenses located in Anadarko and Ponca City, Oklahoma. While at the O.U. College of Law, he served as Editor in Chief of

American Indian Law Review and was the president of the American Indian Law Students Association. He currently serves on the Board of Directors of the Oklahoma Indian Legal Services and on the Young Lawyers Division of the Oklahoma Bar Association.

Colline Wahkinney Meek (O.U. '87) of Oklahoma Indian Legal Services in Oklahoma City, was elected Secretary. Colline formerly was a law clerk for Justice Doolin of the Oklahoma Supreme Court while in law school, and was an attorney with Redwine & Kappel in Norman, Oklahoma. Colline works primarily in probate, and other primary areas of practice at OILS include Indian Child welfare and housing issues.

Professor Kirke Kickingbird (O.U. '69), director of the Native American Legal Resource Center at OCU Law School, and Chair of the Indian Law Section of the Oklahoma Bar Association, was

re-elected as Treasurer. Professor Kickingbird teaches Indian law at OCU and serves as the Executive Director of the Institute for the Development of Indian Law, originally located in Washington, DC. Kickingbird has been a delegate for the United States at international conferences addressing indigenous rights.

The OIBA was organized in 1989 and serves as a local chapter of the American Indian Bar Association, headquartered in Washington, DC. The OIBA consists of Indian attorneys, attorneys interested in Indian law, tribal court officers, and law students. The OIBA sponsors presentations, educational forums, and conferences, and operates a client referral services. The OIBA has also published a directory of tribal courts in Oklahoma.

For additional information about OIBA, write OIBA, P.O. Box 1062, Oklahoma City, OK 73101 or call 405/235-8798.

Fire destroys Bacone Memorial Chapel in Muskogee

The Bacone Memorial Chapel was completely destroyed by fire on Friday, December 28. Several pieces of priceless Indian art and religious artifacts in the chapel were also lost.

The Bacone Chapel was rocked with an explosion and fire early the morning of December 28th. The fire was reported at 8:45 a.m. by a faculty member, who was driving by the chapel. Nobody was injured in the fire, as the college was in the midst of Christmas vacation. There were very few people on campus at the time.

The fire occupied 25 firefighters from about 9 a.m. until early afternoon. At times, the firefighters were hampered by high winds and difficulties with fire hydrants. The firefighters had to change their location of attack as the winds blew the water back at the firefighters. Only the native stone and four large columns were left after the fire was extinguished.

The cause of the fire was not known. It was first suspected that the boiler exploded because that was the origin of the fire. But the boiler was still intact after the fire. It is believed that a build up of gases in the boiler room caused the explosion.

Heavy smoke made the attempt to save any artwork impossible. Among the artwork destroyed by the fire were several large stained glass windows. These included the rosette window, which was designed by

baptistry, and windows depicting Roger Williams and William Penn, who brought Christianity to the Indians.

Also destroyed in the fire was a large painting by Dick West, depicting Christ in the Garden of Gethsemane, which hung over the baptistry for nearly 40 years, and a lectern donated to Bacone College in the 1940's by Eleanor Roosevelt and the baptism records dating back to the 19th Century.

The New England style chapel was built in 1941 on the site of old Rockefeller Hall, the first building on campus. The Chapel was a Muskogee landmark and the lighted steeple was one of the

city's most visible and recognizable point.

The Bacone Memorial Chapel was a focal point on campus. Everything on campus was geared around the chapel.

Interim college president Elnora Huyck said "We'll definitely rebuild. We have a strong network of people from across the country." Officials hope to save some of the bricks that came from the original structure to use in the new building.

Bacone College, located in Muskogee, Oklahoma is the state's oldest higher education institute. It opened in 1880 as an Indian school.

Coyle offers new trading post purchased by the Iowa Tribe

The Iowa Tribe has purchased a vacant hardware store in Coyle, OK, and tribal officials say they plan to convert the building into a trading post. The new store will provide arts and crafts materials and supplies for the convenience of tribal members and others in the area.

Renovation of the building has begun but the interior is showing clear signs of deterioration. This has caused a small delay in the plans, but the proposed opening has been tentatively scheduled for April, 1991.

The trading post will stock

leather and other needed and requested supplies. Blankets may also be stocked. An area of the store will be used for a smoke shop and there are plans to exhibit museum artifacts.

The trading post will also sell Indian made arts and crafts on consignment to visitors and tourists. Anyone interested in selling their arts and crafts on consignment will need to contact Patty Thompson at the tribal complex.

Tribal officials are in the process of getting the old building listed in the Oklahoma

NATIONAL NEWS

Advisory Task Force to reorganize Bureau of Indian Affairs

Secretary of the Interior Manuel Lujan appointed 36 Indian tribal representatives and seven departmental employees to an Advisory Task Force to develop goals and plans for the reorganization of the Bureau of Indian Affairs (BIA).

"I look forward to working with this important group to define ways that we can strengthen the organization of the BIA to better serve the Indian people," Lujan said. "These are the people that know the Bureau and know how it can best be of benefit to Indian tribes. I value their judgment."

Lujan followed the recommendations of Indian tribes in selecting three representatives for each of the 12 BIA area. He added two representatives from his office and five from BIA.

The first meeting of the Joint Tribal/BIA/DOI Advisory Task Force was scheduled for Tuesday, January 22, in Washington, D.C. Discussions of goals and/or plans for the reorganization of the BIA took into consideration tribal government, departmental and federal government, and BIA concerns and ideas about strengthening the administration of Indian programs.

Established for a two-year period, the Task Force will make preliminary recommendations to Secretary Lujan on BIA reorganization by April 30, 1991. Lujan will designate one co-chairperson from the federal representatives and the tribal members will select by majority vote the other co-chairperson from tribal representatives.

Proposals for reorganization of the BIA were first presented to Indian tribes at a National Indian Tribal Leaders Conference Sept. 38, 1990, in Albuquerque, N.M., by Lujan. He recommended that a Bureau of Indian Education be created separately from the BIA

that would report directly to the Assistant Secretary for Indian Affairs and that the remaining functions from a separate bureau. A federal trust office would be created as part of the assistant secretary's office.

In the 1991 appropriations act, Congress directed the BIA to delay reorganization until a task force is convened and reports to the House and Senate Committees on Appropriations.

Representing Lujan's office on the Task Force will be Eddie Brown, assistant secretary - Indian Affairs, as designated co-chair person, and Bill Bettenberg, deputy assistant secretary - Indian Affairs. The five BIA representatives will be Stan Speaks, acting deputy commissioner of Indian Affairs; Edward Parisian, director, Office of Indian Education Programs; Bill Collier, area director, Anadarko Area Office; Betty Walker, area education programs administrator, Minneapolis; and Wyman Babby, Superintendent, Fort Peck (Montana) agency.

Tribal representatives appointed by Lujan are listed by area.

Aberdeen: Charles Murphy, chairman, Standing Rock Sioux; Harold D. Salway, president, Oglala Sioux; and Michael Jandreau, chairman, Lower Brule Sioux.

Albuquerque: Wendell Chino, president, Mescalero Apache; Chester Fernando, councilman, Pueblo of Laguna; and Bernie Teba, executive director, Eight Northern Indian Pueblos Council.

Anadarko: Joseph t. Goombi, chairman, Kiowa Business Committee; Larry Nuckolls, governor, Absentee-Shawnee; and Juanita Learned, chairperson, Cheyenne-Arapaho.

Billings: Donovan Archambault, president, Fort Belknap Community Council; Harold Monteau, tribal

attorney, Chippewa Cree; and John Washakie, chairman, Shoshone Business Council.

Eastern: James Sappier, governor, Penobscot Indian Nation; James Billie, chairman, Seminole Tribe; and Phillip Martin, chief, Mississippi Choctaw.

Juneau: Will Mayo, president, Tanana Chief's Conference, Inc.; Willie Kasayulie, president, Native Village of Akiachak; and Joe Hotch, president, Klukwan, Inc.

Minneapolis: Gordon Dickie, chairman, Menominee Indian Tribe of Wisconsin; Darrell Wadena, chairman, Minnesota Chippewa; and Michael Parish, attorney, Hannahville Indian Community of Michigan.

Muskogee: Gary Breshears, executive director, Creek Nation of Oklahoma; Bill Follis, chief, Modoc Tribe of Oklahoma; and Mark Downing, executive director, planning, research and development, Cherokee Nation of Oklahoma.

Navajo: Daniel Tso, delegate, Navajo Nation Council and chairman, Education Committee of the Navajo Nation Council; Virgil Pablo, executive director, division of Social Services, Navajo Nation; and Karen Dixon Bates, executive director, Shiprock Alternative School Inc.

Phoenix: Nora Garcia, chairperson, Fort Mojave Tribal Council; Brian Wallace, chairman, Washoe Tribal council; and Luke Duncan, chairman, Uintah and Ouray Tribal Business Council.

Portland: Georgia George, chairman, Suquamish Tribe; Mickey Pablo, chairman, Salish/Kootenai Tribe; and Ken Smith, chief executive officer, the Confederated Tribes of the Warm Springs Reservation.

Sacramento: Donald Ray, chairperson, Hopland Rancheria; Virgil Moorehead, chairperson, Big Lagoon Rancheria; and Frances Shaw, chairperson, Manzanita Band of Mission Indians.

'Seminole Interpretations' new at Smithsonian's National Museum

"Seminole Interpretations" is a new exhibit at the Smithsonian's National Museum of Natural History that reveals how objects are regarded by the Indian people who made them and by an anthropologist who has studied them. The exhibit continues through 1991 in the museum's Native American Cultures Hall.

Seminole artifacts on view include items of clothing, bead necklaces and ceremonial objects.

Explanations of the objects in "Seminole Interpretations" came from Louise and Little Tigertail, who are from the Big Cypress Reservation in Florida, and Curator William C. Sturtevant of the museum's Department of Anthropology, who has studied the Seminole since 1950.

Both the Tigertails and Sturtevant were asked: "What objects in the collections would you pick if you wanted to teach people about the Seminole?"

They each settled on about 20 objects and then came together to discuss their selections. As it turned out, Sturtevant and the Tigertails both selected many of the same artifacts — the overlap was as high as 50 percent. Clearly they had similar visions about which artifacts to include in the exhibit.

In explaining what was important about each artifact and why they had made their selections, the Tigertails often drew

upon personal experience, as in this comment about bead necklaces by Louise Tigertail: "Women of my mother's generation dressed like this. They used to wear so many beads you couldn't see their necks."

Sturtevant's comments, on the other hand, are impersonal and focus on placing the beads in exact historical perspective. "For about a century until the 1940s, all adult Seminole women wore multiple necklaces of large glass beads. During the 1950s and 1960s, the number of strands worn decreased, especially among younger women. By the 1970s, many Seminole women no longer wore such necklaces."

Seminole craftspeople have developed new styles and experimented with the old, and these changes in traditional clothing are shown in one section of the exhibition.

"Since we started using sewing machines and going to school, our patchwork designs have become more imaginative and we use more rickrack," says Louise Tigertail, commenting on the changes in the design of the bright cotton Seminole skirts with bands of patchwork.

Many objects on view relate to traditional activities that still survive, such as the Green Corn Dance. Traditionally women wore turtle-shell leg rattlers for this ceremony, but now they are made from condensed-milk cans.

Other ceremonies that continue are the childhood naming ceremonies and the stick ball game, a variation on lacrosse.

The sale of craft work has been an important element in the Seminole economy, and a variety of items have been developed to tap this market, including pin cushions and pot holders as well as models of traditional dugout canoes, and mortar and pestles, tools used in the processing of corn.

The Florida Seminole Indians live on several reservations as well as on non-reservation land; most of them belong to two tribes recognized by the federal government, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida. About two-thirds speak the Mikasuki language and one-third speak Creek. Nearly all speak English as well.

In the 18th century their ancestors left the Creek Confederacy in Georgia and Alabama and settled in north Florida. During the three Seminole wars that occurred between 1817 and 1855, most were captured or surrendered. They were deported to what is now Oklahoma. About 200 escaped the U.S. Army and survived in the Everglades and the Big Cypress Swamp of far southern Florida. The 3,000 or so modern Florida Seminoles are their descendants.

WKSA sends Lost Bird home

(From The Lakota Times, Dec. 18, 1990) — The Wounded Knee Survivors Association in a last ditch effort appealed to the public for funds to return the remains of Zintkala Nuni, or Lost Bird, to the Pine Ridge Reservation.

Lost Bird was found alive under the slain body of her mother, four days after Wounded Knee Massacre.

In the moments preceding death, the woman had tightly wrapped her infant, and lay over the baby, the last acts of a courageous mother to save her little one from the deadly gunfire and the freezing wind.

When the baby was uncovered, frostbitten yet miraculously alive, she had on a small buckskin cap, beaded on both sides with bright American flags. The tiny girl was entrusted to an elderly Lakota woman living near the Agency at Pine Ridge.

A brigadier general, disobeying orders, rode into the camp looking for the baby and took her away from the grandmother by force.

This small living souvenir of the Wounded Knee Massacre was taken from South Dakota and adopted by the general. He was later appointed Assistant Attorney General of the United States by Benjamin Harrison. Lost Bird's adoptive mother was a leading suffragette and a close friend of both Elizabeth Cady Stanton and Susan B. Anthony.

Lost Bird never found out who her real parents were, although she returned to both the Pine Ridge and Cheyenne River Sioux reservations searching for family members and agonizing over their loss.

Her life was a series of tragedies. Lost Bird was a victim of both sexual and physical abuse, according to author Renee Sansom-Flood, who is writing a book on Lost Bird.

Sansom-Flood said Lost Bird yearned for the identity she lost in the terrible hail of gunfire at Wounded Knee. She died at the age of 29. She was buried in a pauper's grave in a western state.

The WKSA wanted to bring Zintkala Nuni home on Dec. 29, 1990. In a special centennial ceremony, her remains would be returned to South Dakota and escorted to Wounded Knee by Lakota on horseback. She would be laid to rest with her family members, with the prayers of the Lakota people to guide her soul.

ST. MARYS

By Father Maurice Gailland

Diary Of The Potawatomie Mission Of St. Marys On The Lake



1868-1869

This year several secular priests resorted to St. Mary's mission to make a few days retreat.³³ Partly on account of political disturbance, partly through the wickedness of designing men, the treaty with the Government having not yet been ratified by the Senate, our agent, Dr. Palmer, took a delegation to Washington to have it carried through. But the doctor did not dissemble the difficulties he was to meet with in the capital with such delegates. The free-masons had gained over to their side the principal Chief. They boasted openly that they would soon put a stop to the ambitious encroachments of the priest; that if the mission was not entirely suppressed, at least it would be so crippled as to do no harm any more to the Indians. Tired of his stubbornness, the Indians held a public meeting, in which John Pomnie, a secondary Chief, severely reprehended Wewosa for playing into the hands of the enemies of the Fathers, of the Catholic faith they professed, the free-masons, the excommunicated children of the Church. "You are not," said he, "invested with the authority of Chief to act according to your notion, but to promote the welfare of the community over which you have been placed.³⁴ Now, what interest is dearer to us than to possess in our midst the Fathers to watch us and direct us. The Catholic school to educate our children; and you would take as our representatives at Washington men of such description? Can the devil represent God? But, keep your delegates, if you are so infatuated by them; all we ask is that Mr. Bertrand should be added to the delegation as the representative of the Catholic party." Mr. Bery Bertrand was brought out and chosen as one of the delegates by universal acclamation.³⁵ At Washington Dr. Palmer had no trouble in carrying out his views. Having declared before the Department of the Interior, that Mr. Bertrand truly represented the great majority of the sectionized Pottowatomies, whilst all the other delegates together represented but a few individuals, all the measures concerning the mission proposed by Mr. Bertrand

were adopted. The treaty was finally ratified by the Senate and approved by President Johnson. By the treaty the mission had the right to purchase one thousand acres of land at the Government price, viz. at a dollar and a quarter per acre. But some malicious fellow without consulting the Chiefs had inserted the words *in a body*; as all the land was supposed pre-empted about St. Mary's, he thought to compel us to leave the fine bottom and to pick up our thousand acres over the hill. Happily there were left in the elbow of the river about seventy acres unpre-empted, which enabled us to take up our thousand acres in a body from the mission down to the big bend of the river. To avoid any further difficulty we immediately paid down the price of the land, and the Government issued Letters patent for it.

About five hundred of the prairie band refused to sign the treaty: they were allowed on Soldier Creek a diminished reserve of ten miles square.³⁶ There they are now owning the land in common, receiving annuities from the Government, and send their children to a Quaker school. They daily get thinner by sickness. The whites that surround them steal their timber and their ponies.³⁷

November 3:

Father Persone, a Neapolitan, arrived here. He was exiled, first from his own country, then from Spain where he had fled. After this, he went into France where for a brief time he begged a home; then he was sent to Algiers, and now, finally, he intends to go to New Mexico. Father is exceptionally gifted.¹ We buried an Indian who was mortally wounded; but by the help of God's mercy he went to confession before he died. William Phillips sold his field near to St. Marys to a wealthy gentleman. The potatoes are being dug up.

November 4:

We now have fifty-six boarders. The leaders of the town have asked that we should not be included in the boundaries of the town.² A Potawatomie woman, the wife of Nabinechkuk Kikiynko, by name, is being prepared for Baptism.³

November 6:

Father Gailland went to St. Joseph.⁴

November 11:

Francis Kowesin was buried today. Francis Krueyas received the last Sacraments.

November 26:

An Indian by the name of Neniko, dangerously ill, is baptised. The same day Brother John Kilcullin, prefect, went to the Osage mission.⁵

November 27:

The Indians received their annuities. Many are drunk.⁶ Some Quakers are scheming to take our school away from us.⁷

December 1:

Brother Peter Kelly, an Irishman, came from the Osage mission to take the place of one who is prefect of recreation, and is now leaving.⁸

December 4:

Father Patrick Ward, an Irishman, is announced as the new Superior of the house. Father Diels is the minister.⁹

December 5:

Reverend Father Diels went to St. Louis with the intention of obtaining merchandise.

December 8:

This feast was celebrated with great solemnity. Father Rimmeli preached.¹⁰ An old woman, Kikiyako, the wife of Nabimechkuk, is baptised. The Indians have chosen a delegation to examine the southern part of the region offered them.¹¹ The Sodality of the Blessed Virgin is solemnly instituted for the students in the presence of the people.¹²

December 9:

Father Gailland begins his annual retreat.

December 12:

Today the deputation appointed to examine the new regions in the Indian territory set out. Among them are Claridis, Wiwise, Bernard Bertrand, Marcissus, Junea, and Bergeron.¹³

December 13:

Father Rimmole begins his annual retreat. Father Defory visits us.¹⁴

December 18:

Father Sweere went to the village of

Elbow.¹⁵

December 19:

The wife of Majenis is being prepared for Baptism. The last sacraments were given Margarita Wawitimokwo, wife of the late Leon Bertrand. We built a little house to store and preserve the ice. Wikenide sold his field in the town of St. Marys to a German.

December 20:

Father Diels returned from St. Louis. Father Walter Hill, the Socius to Reverend Father Provincial accompanied him.¹⁶ They brought the seal of St. Marys College in which is written, 'virtuti et scientiae.'¹⁷

December 21:

It snowed. The temperature is twenty above zero.

December 22:

Father Diels and Father Hill went to Topeka in order that they might legally incorporate St. Marys College in the State records. The temperature is two above zero.

December 23:

The temperature is zero. The burial of Margarita Wawitinokwo, wife of the late Kumowa, Chief of the Potawatomie tribe.¹⁸ Reverend Father Diels and Father Hill returned from the town of Topeka with their business still unfinished; that is, the college of St. Marys is not yet begun. Wonemek and Alexis Pelletier received the last Sacraments.¹⁹

December 24:

Brother James went to Topeka to enroll St. Marys College in the public ledgers of the Governor, according to the laws of incorporation.²⁰

December 25:

The Feast was celebrated with great solemnity. There was a solemn High Mass. A large crowd was present. The church could hardly hold them all.

December 26:

Sunday. Everything is as usual. Father Hill preached yesterday and today.

December 27:

Father Hill left. Father Ward went to Leavenworth to hire workers to construct the college. Brother James Kahoe, with three workmen, went to Topeka to sign the deeds of incorporation of the institution of the Blessed Virgin's Academy of the Sisters of the Sacred Heart at St. Marys, and to buy corn for the house.²¹ Father Sweere went to Silver Lake to say Mass.²²

December 28:

Francis Bourbonnais dies with 'delirium tremens.'²³

December 30:

Father Ward returned from Leavenworth. He brought the workers for putting up the college. He brought the workers for putting up the college. He was accompanied by Father Haydin, a secular priest.²⁴ Father Smarius is seriously ill; we began a novena for him.²⁵

December 31:

Father Fogherty brought two students by the name of Clark from Junction town.²⁶ At four o'clock in the afternoon there was solemn benediction—afterwards, the Te Deum was sung. Because of the growth of numbers of students we are obliged to put up a small, temporary building.

ST. MARYS

By Father Maurice Gailland

Diary Of The Potawatomie Mission Of St. Marys On The Lake Footnotes

33 Several years previous to this entry secular priests came to St. Marys for a retreat. "In the summer of 1866 a number of secular priests, among whom was the Rev. Peter Hennessy, the Bishop elect of Dubuque, came to the mission to make a retreat of eight days under the direction of one of the Jesuit Fathers. This is the first recorded instances of retreats being given to any other besides the members of the community at St. Marys." O'Connor, *op. cit.*, p. 329.

34 "With a view to having it carried through (the treaty of 1867) Dr. Palmer in the course of 1867 led a Potawatomi delegation to the capital. This step was not taken without difficulties. A clique unfriendly to the mission had won over the principal chief Wewesa and with his backing had contrived to bring about a choice of delegates favorable to their designs. In view of this development it was felt at St. Mary's that the interest for the mission would fare badly at Washington. The main body of the Indians resented the trickery that had foisted upon them an unrepresentative delegation and one of the St. Mary's priests personally appealed to the chief, but without success, to withhold his approval. Thereupon the Indians were summoned in council, on which occasion John Pomnie (Pomahmee) a secondary chief, sharply rebuked the head chief, Wewesa, for having played into the hands of the enemies of the mission." Garraghan, *op. cit.*, III, 35.

35 See footnote 16, Chapter I concerning Benjamin Bertrand.

36 Soldier Creek is in Jackson County and flows through the township of Soldier. The official State Atlas of Kansas for 1887, *op. cit.*, p. 153.

37 This entire chapter was taken from: Maurice Gailland, S.J., "Letter of Father Gailland to Father W. H. Hill on the History of the Pottowatomies," *Woodstock Letters*, (1877), VI, 8-18, 73-82.

¹ In the Catholic Directory for 1875 we find recorded: "Father C. Persone—Church of San Felipe de Neri, Albuquerque, New Mexico" Sadlier, *op. cit.*, p. 313.

² "St. Mary's had been laid out as a town by B. H. Bertrand, August 8, 1886. A second addition was September 20, 1869. A third addition became necessary a few months later and was executed January 31, 1870 by Doctor Palmer, Adelaide Bertrand and John D. Laskey. Prior to this third addition, there had been some question of including the college property in the corporate limits of the town. But a petition against the proposition was presented to the authorities on November 4, 1869, and favorably received." O'Connor, *op. cit.*, p. 342.

³ December 5, 1869—solemnly baptised Mary Kikiynko—around forty years old—sponsor was Minuskwe. M. Gailland, S.J. "Baptismal Records (unpublished: found in the rectory of the Church of the Immaculate Conception, St. Marys, Kansas), no page recorded.

⁴ Father Gailland went to St. Joseph, Missouri.

⁵ Brother John Kilcullin was born in September 14, 1825, and came to St. Marys as Prefect of the boys; recreation in 1863. He left on November 26, 1969, for Osage mission. He taught at the Manual school until 1871. At this time the manual school was transformed into St. Francois Institute for boys. He continued teaching until 1880, when he was once again assigned to St. Mary's. He died at St. Mary's on October 16, 1891. See Garraghan, *op. cit.*, III, 15, 450, 514; also, O'Connor, *op. cit.*, p. 332.

⁶ The advance of the white settlers on the reserve brought the selling of liquor to the Indians, and all the subsequent evils the arose from it. "Whiskey was the great hindrance to the material, moral, and social advancement of the Indians." Palmer, Luther, *The Report of the Commission on Indian Affairs*, 1866, p. 263.

The selling of liquor to the Indians was strictly forbidden by the government, but not much effort was exerted to stop this illegal traffic. "But now in accordance with the treaty stipulations, the government begins in different installments to pay to them (Indians) large sums of money. The Whiskey comes along with

the money and flows in torrents; nearly every house in St. Mary's is turned into a saloon." Gailland to Hill, *Woodstock Letters*, VI (1877), p. 83.

⁷ The agents appointed by the government in 1870 were Quakers. "The Quakers established themselves in Kansas reductions and were guilty of shameful extortions. 'One can scarcely believe that such a state of things exist in the republic of the United States so much vaunted for its liberty.'" E. Lavelle, S. J., *The Life of Father De Smet, S.J.*, translated by Marian Lindsay, (New York: P. J. Kennedy and Sons, 1915), pp. 64-65.

⁸ Brother Kelly took Brother Kiloullin's place at the mission school.

⁹ Father Patrick Ward, an Irishman, was superior of St. Mary's for four years. Upon him fell the heavy responsibility of starting the new college. One of the students in the early seventies spoke of him in this fashion: "Rev. P. J. Ward was president. Every boy was an intimate friend of Father Ward, and what boy forgets him. His kindness was proverbial. How hard it was for him to refuse recreation, and how often we annoyed him by asking for it. O'Connor, *op. cit.*, p. 366.

Father Diels was superior for ten years. He remained at the mission for about a year as procurator and superintendent of the farm. Garraghan, *op. cit.*, III, 50.

¹⁰ Father Joseph Rimmole was born on August 7, 1831, in Ragenreuthe, Wurtemberg, and entered the Society of Jesus at Florissant, Missouri, in 1863. Because of ill health he had to leave the Jesuit Novitiate. Later he became a diocesan priest, and was ordained in September, 1867, by Bishop Miede. From 1867 to 1872 he became a missionary priest, taking care of thirty-one stations in ten counties of Kansas. In 1878 he entered the society of Jesus. After his novitiate he returned to St. Marys as prefect of studies. See O'Connor, *op. cit.*, pp. 327-328.

¹¹ According to the terms of the treaty of 1867, the Potowatomies were given another reserve in what is now the state of Oklahoma. This reserve was thirty miles square in extent. Garraghan, *op. cit.*, III, 58.

¹² "The Sodality of the Blessed Vigin Mary for the student body was established at St. Mary's College on the feast of the Immaculate Conception, 1869, with a solemn ceremony in the presence of a large congregation of the people. The principle patroness was the Blessed Virgin Mary under the title of Immaculate Conception; the secondary patron was John Berchmans, S.J. According to the minutes of the first meeting, Rev. Patrick J. Ward, S.J., the Director of the Sodality, appointed as temporary officers: Thomas Farrell, Prefect, Thomas Ward, First Assistant, James Conway, Second Assistant, Edmond Kinlan, Secretary, Peter Gates, Treasurer." O'Connor, *op. cit.*, p. 35.

¹³ Bernard Bertrand, Nicolas Juneau and Francis Bergeron lived in or near St. Mary's mission for many years. Their names appear in this diary in 1849.

¹⁴ Father "Defory" is a misspelling for Defouri. Father James Defouri was stationed at the Church of the Assumption in Topeka at this time. Sadlier, 1869, *op. cit.*, p. 402.

¹⁵ Father Sweere, S.J., was stationed at St. Mary's at this time. Accordint to the Catholic Directory of 1877, he was superior of the Osage mission. Sadlier, *op. cit.*, p. 402.

Elbow creek was in the southwestern corner of Pottawatomie county. Official State Atlas of Kansas for 1887, *op. cit.*, pp. 108-109.

¹⁶ Father Walter Hill in 1869 retired from the presidency of St. Francis Xavier's College, Cincinnati, Ohio, and was appointed almost immediately to the post of Assistant to the Provincial. Father Hill was one of the first Americans to write a text-book on scholastic philosophy. Garraghan, *op. cit.*, III, 578-580.

¹⁷ The seal of the new St. Mary's Academy depicted the rising sun of Kansas with an eagle soaring triumphantly in the dawn of the blue heavens. The words *Virtute Et Scientiae* were written on the seal. See O'Connor, *op. cit.*, p. 340.

¹⁸ In the *Liber Sepulturarum* for December we find recorded: Burial of Margarita Wawitimokwa, Wife of a

late chief, Kumowa. Father Gailland, S.J. *Liber Sepulturarum*, *op. cit.*, p. 266.

¹⁹ Alexis Pelletier was one of the few white men at St. Mary's before 1863.

²⁰ Brother James mentioned in this entry is James Kehoe. Brother Kehoe probably took with him to Topeka a copy of the constitutions, the by-laws of the new corporation, and other documentary.

²¹ December 27, 1869, is an important date for the Academy of the Religious of the Sacred Heart, as on this day they were issued a charter for their school.

²² Silver Lake is in Shawnee County, Silver Lake Township; Section 9, Township 11S, Range 14E. Official State Atlas of Kansas for 1887, *op. cit.*, p. 129.

²³ Francis Bourbonnais was a freighter. His death resulted from drinking too much liquor.

²⁴ Father F. M. Hayden was stationed at the Cathedral of the Immaculate Conception, corner of Kiowa and Fifth Ave., Leavenworth, Kansas. Sadlier, *op. cit.*, 1870, p. 375.

²⁵ Father Cornelius Smarius was born in Talburg, Holland, in 1823. He came to America and entered the novitiate at Florissant in 1841. He soon displayed outstanding talents as a teacher and preacher. He was ordained in 1849. From 1852-1856 he studied Dogmatic Theology under the French Jesuite at Fordham University. He returned to St. Louis in 1856, and at once became prominent as a lecturer and preacher. For many years he gave retreats and missions throughout the East and Middlewest. In 1869 he contracted an organic malady and was in imminent danger of death. Many novenas and Masses were offered that God might spare him to the Church. But he passed away on March 1, 1870, just two days before his forty-seventh birthday. Garraghan, *op. cit.*, II, 86-94.

²⁶ Father Fogherty is a misspelling for Father Fogerty. Father Fogerty was stationed at the Church of the Immaculate Conception, Salomon City, Kansas, Sadlier, 1869, *op. cit.*, p. 295.

Navajo Codetalker Novel Hits Newstand

(From the Navajo Times, Jan. 3, 1991) — The Navajo Codetalkers, who have been given awards by presidents and have been honored in past Rose Bowl parades, now have the distinction of being the subject of a paperback novel.

"The Code Talkers," written by Chuck Bianchi, arrived at newsstands last month with little fanfare and a cover that portrayed a Hollywood version of what a Navajo Code Talker probably would look like.

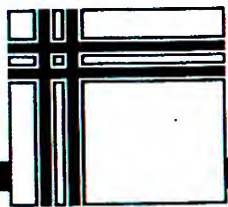
The book was apparently written without the cooperation of the Navajo Codetalkers Association and is an action-packed version of the role the Code Talkers played in World War II in the Pacific.

The Code Talkers were part of a Marine Corp outfit who used the Navajo language as a way to communicate between units. It proved to be the only code that the Japanese could not break.

It wasn't until nine years after the war ended, when computers replaced human codes, that the government revealed their existence.

According to the blurb for the novel, "the United States needed the Navajos' ancient warrior skills to turn the tide of the war — and they heeded the call to arms with honor."

Well, almost. The two main characters in the novel, Johnny Redhawk and Willie Johns, didn't exactly volunteer, feeling the war was a "white man's problem." Instead, the two got in trouble on the reservation and were told by a tribal court judge to either join the Marines or face the possibility of spending a lot of time in tribal jail.



TREATIES: Treaty with the Potawatomi, 1834 and 1836 Potawatomi Nation 1846

1834

Article of a Treaty, made and concluded at a camp, on Lake Max-ee-nie-kue-kee, in the State of Indiana, between William Marshall, Commissioner on the part of the United States, and Com-o-za, a Chief of the Potawattimie tribe of Indians and his band, on the fourth day of December, in the year eighteen hundred and thirty-four.

ART. 1. The above named chief and his band hereby cede to the United States, the two sections of land reserved for them by the 2d article of the treaty between the United States and the Pottawattimie Indians on Tippecanoe river on the 26th day of October, in the year eighteen hundred and thirty-two.

ART. 2. The above named chief and his band agree to yield peaceable possession of said sections within three years from the date of the ratification of said treaty of eighteen hundred and thirty-two.

ART. 3. In consideration of the cession aforesaid the United States stipulate to pay the above named chief and his band the sum of four hundred dollars in goods at the signing of this treaty, and an annuity of four hundred dollars for one year, the receipt of which former sum of (four hundred dollars in goods) is hereby acknowledged.

ART. 4. This treaty shall be binding upon both parties, from the date of its ratification by the President and Senate of the United States.

In testimony whereof, the said William Marshall, commissioner, on the Part of the United States, and the above named chief and head men, for themselves and their band, have hereunto subscribed their names, the day and year above written.

William Marshall,
Con-o-za, his x mark,
Ah-ke-pah-am-sa, his x mark,
Nee-so-aw-quet, his x mark,
Paw-pee, his x mark,

Witnesses:
J.B. Duret, secretary to commission,
Cyrus Taber,
Joseph Barron, interpreter.

1836

Articles of a treaty made and concluded at the Indian agency, in the State of Indiana between Abel C. Pepper commissioner on the part of the United States, and Nas-waw-kee and Quash-quaw chiefs and head men of the Patawattimie 'ribe of Indians and their banas on the 22d day of April, 1836

ART. 1. The above named chiefs and head men and their bands hereby cede to the United States three sections of land reserved for them by the second article of the treaty between the United States and the Patawattimie tribe of Indians on Tippecanoe river on the 26th day of October, 1832.

ART. 2. In consideration of the cession aforesaid the United States stipulate to pay the above chiefs and head men and their band nineteen hundred and twenty dollars at the first payment of annuity after the ratification of this treaty.

ART. 3. The above named chiefs and head men and their bands agree to give possession of the aforesaid three sections of land, and remove to the country west of the Mississippi river provided by the United States for the Potawattimie nation of Indians within two years from this date.

ART. 4. -[Stricken out by Senate.]

ART. 5. The United States stipulate to provide for the payment of the necessary expenses attending the making and concluding this treaty.

ART. 6. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be binding upon both parties.

In testimony whereof, the said Abel C. Pepper, commissioner as aforesaid, and the said chiefs and head men and their bands, have hereunto set their hands, this 22d day of April, A.D. 1836.

A.C. Pepper,
Quash-quaw, his x mark,
Me-cos-ta, his x mark,

Nas-waw-kee, his x mark,
Wem-se-ko, his x mark,
Ah-quash-she, his x mark.

Witnesses:
J.B. Duret, secretary to commissioner,
Joseph Bamont, interpreter,
Cyrus Tober,
Geo. W. Ewing,
Peter Barron.

1836

Articles of a treaty made and concluded at camp in Turkey Creek Prairie, in the State of Indiana, between Abel C. Pepper commissioner of the United States and Mes-quaw-buck, a chief of the Pottawatamy tribe of Indians and his band, on twenty-sixth day of March, in the year eighteen hundred and thirty-six.

ART. 1. The above named chief and his band hereby cede to the United States the four sections of land reserved for them by the second article of the treaty between the United States and the Pottawatamy Indians, on Tippecanoe river on the twenty-seventh day of October 1832.

ART. 2. In consideration of the cession aforesaid the United States stipulate to pay the above named chief and his band the sum of twenty-five hundred and sixty dollars in specie at the next payment of annuity after the ratification of this treaty.

ART. 3. The United States stipulate to provide for the payment of the necessary expenses attending the making and concluding this treaty.

ART. 4. The above named chief and his band agree to yield peaceable possession of the above sections of land and remove to the country west of the Mississippi provided for the Pottawatamy nation by the United States, within two years from this date.

ART. 5. This treaty shall be binding upon both parties from the date of its ratification by the President and Senate of the United States.

ART. 6. [Stricken out by Senate.]

In testimony whereof, the said A.C. Pepper, commissioner on the part of the United States, and the above named chief and head men for themselves and their band, hereunto subscribed their names, the day and year above written.

A.C. Pepper,
Mes-quaw-buck, his x mark,
Me-s-Sett, his x mark,
Muck Rose, his x mark,
Waw-baw-que-ke-aw, his x mark,
Naush-waw-pi-tant, his x mark,
Ch-qua-sau-quah, his x mark.

Witnesses:
C. Carter, secretary,
Edward McCartney, interpreter.

1846

Whereas the various band of the Pottowautomie Indians, known as the Chippewas, Ottawas, and Pottowautomies, the Pottowautomies of the Prairie, the Pottowautomies of the Wabash, and the Pottowautomies of Indiana, have, subsequent to the year 1838, entered into separate and distinct treaties with the United States, by which they have been separated and located in different countries, and difficulties have arisen as to the proper distribution of the stipulations under various treaties, and being the same people by kindred, by feeling, and by language, and having, in former periods, lived on and owned their lands in common; and being desirous to untie in one common country, and again become one people, and receive their annuities and other benefits in common, and to abolish all minor distinctions of bands by which they have heretofore been divided, and are anxious to be known only as the Pottowautomie Nation, thereby reinstating the national character; and whereas the United States are also anxious to unite and concentrate said tribes to a state so desirable and

necessary for the happiness of their people, as well as to enable the Government to arrange and manage its intercourse with them:

Now, therefore, the United States and the said Indians do hereby agree that said people shall hereafter be known as a nation, to be called the Pottowautomie Nation; and to the following

Articles of a treaty made and concluded at the agency on the Missouri River, near council Bluffs, on the fifth day of June, and at Pottawatomie Creek, near the Osage river, south and west of the state of Missouri, on the seventeenth day of the same month, in the year of our Lord one thousand eight hundred and forty-six, between T. P. Andrews, Thomas H. Harvey, and Gideon C. Matlock, commissioners on the part of the United States, on the one part, and the various bands of the Pottowautomie, Chippewas, and Ottowas Indians on the other part:

ARTICLE 1. It is solemnly agreed that the peace and friendship which so happily exist between the people of the United States and the Pottowautomie Indians shall continue forever; the said tribes of Indians giving assurance, hereby, of fidelity and friendship to the Government and people of the United States; and the United States giving, at the same time, promise of all proper care and parental protection.

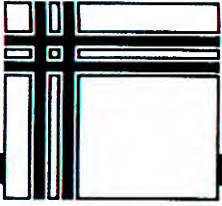
ARTICLE 2. The said tribes of Indians hereby agree to sell and cede, and do hereby sell and cede, to the United States, all the lands to which they have claim of any kind whatsoever, and especially the tracts or parcels of lands ceded to them by the treaty of Chicago, and subsequent thereto, and now, in whole or in part, possessed by their people, lying and being north of the river Missouri, and embraced in the limits of the territory of Iowa; and also all that tract of country lying and being on or near the Osage River, and west of the State of Missouri; it being understood that these cessions are not to affect the title of said Indians to any grants or reservations made to them by former treaties.

ARTICLE 3. In consideration of the foregoing cessions or sales of land to the United States, it is agreed to pay to said tribes of Indians the sum of eight hundred and fifty thousand dollars, subject to the conditions, deductions, and liabilities provided for in the subsequent articles of this treaty.

ARTICLE 4. The United States agree to grant to the said united tribes of Indians possession and title to a tract or parcel of land containing five hundred and seventy-six thousand acres, being thirty miles square, and being the eastern part of the lands ceded to the United States by the Kansas tribe or Indians, by treaty concluded on the 14th day January, and ratified on the 15th of April of the present year, lying adjoining the Shawnees on the south, and the Delawares and Shawnees on the east, on both sides of the Kansas River, and to guarantee the full and complete possession of the same to the Pottowautomie Nation, parties to this treaty as their land and home forever; for which they are to pay the United States the sum of eighty-seven thousand dollars, to be deducted from the gross sum promised to them in the 3d article of this treaty.

ARTICLE 5. The United States agree to pay said nation of Indians, at the first annuity payment after the ratification of this treaty, and after an appropriation shall have been made by Congress, the sum of fifty thousand dollars, out of the aggregate sum granted in the third article of this treaty to enable said Indians to arrange their affairs, and pay their just debts, before leaving their present homes; to pay for their improvements; to purchase wagons, horses, and other means of transportation, and pay individuals for the loss of property necessarily sacrificed in moving to their new homes; said sum to be paid, in open council, by the proper agents of the United States, and in such just proportions to each band as the President of the United States may direct.

ARTICLE 6. The said tribes of Indians agree to remove to their new homes on the Kansas river, within two years from the ratification of this treaty; and further agree to set apart the sum of twenty thousand dollars to the upper bands, (being ten dollars per head,) and ten thousand dollars to the lower bands, (being five dollars per head,) to pay the actual expenses of removing; and



TREATIES: *Continued from previous page*

the sum of forty thousand dollars for all the bands as subsistence money, for the first twelve months after their arrival at their new homes; to be paid to them so soon as their arrival at their new homes is made known to the government, and convenient arrangements can be made to pay the same between the parties to this treaty; the aforesaid sums to be also deducted from the aggregate sum granted by the United States to said tribes of Indians by the 3d article of this treaty.

ARTICLE 7. The balance of the said sum of eight hundred fifty thousand dollars, after deducting the cost of removal and subsistence &c., it is agreed shall remain with the United States, *in trust* for said Indians, and in interest of five per cent. annually paid thereon, commencing at the expiration of one year after the removal of said Indians, and continuing for thirty years, and until the nation shall be reduced below one thousand souls. If, after the expiration of thirty years, or any period thereafter, it shall be ascertained that the nation is reduced below that number, the said annuity shall thenceforth be paid *pro rata* so long as they shall exist as a separate and distinct nation, in proportion as the present number shall bear to the number then in existence.

ARTICLE 8. It is agreed upon by the parties to this treaty that, after the removal of the Pottowautomie Nation to the Kansas country, the annual interest of their "improvement fund" shall be paid out promptly and fully, for their benefit at their new homes. If, however, at any time thereafter, the President of the United States shall be of opinion that it would be advantageous to the Pottowautomie Nation, and they should request the same to be done, to pay them the interest of said money in lieu of the employment of persons or purchase of machines or implements, he is hereby authorized to pay the same, or any part thereof, in money, as their annuities are paid at the time of the general payments of annuities. It is also agreed that, after the expiration of two years from the ratification of this treaty, the school-fund of the Pottowautomies shall be expended entirely in their own country, unless their people, in council, should, at any time, express a desire to have any part of the same expended in a different manner.

ARTICLE 9. It is agreed by the parties to this treaty that the buildings occupied as a missionary establishment, including twenty acres of land now under fence, shall be reserved for the use of the government agency; also the houses used for blacksmith house and shop shall be reserved for the use of the Pottowautomie smith; but should the property cease to be used for the aforementioned purposes, then it shall revert to the use of the Pottowautomie Nation.

ARTICLE 10. It is agreed that hereafter there shall be paid to the Pottowautomie Nation, annually, the sum of three hundred dollars, in lieu of the two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated to be paid to the Pottowautomies under the third article of the treaty of September 20, 1828.

In testimony whereof, T.P. Andrews, Thomas H. Harvey, and Gideon C. Matlock, aforesaid Commissioners, and the Chiefs and Principal Men of the Pottowautomie, Ottawa, and Chippewas tribes of Indians, have set their hands, at the time and place first mentioned.

T.P. Andrews,
Th. H. Harvey,
G.C. Matlock,
Commissioners.

Mi-au-mise, (the Young Miami,)
Op-te-gee-shuck, (or Half Day,)
Wa-sow-o-ko-uck, (or the Lightning,)
Kem-me-kas, (or Bead,)
Mi-quess, (or the Wampum,)
Wab-na-ne-me, or White Pigeon,
Na-no-no-uit, (or Like the Wind,)
Patt-co-shuck, junior,
Catte-nab-mee (the Close Observer,)
Wap-que-shuck, (or White Cedar,)
Sah-ken-na-ne-be,
Etwa-gee-shuck,
Saas-pucks-ku, (or Green Leaf,)

Ke-wa-ko-to, (Black Cloud Turning,)
Meek-sa-mack, (the Wampum,)
Chau-cose, (Little Crane,)
Co-shae-wais, (Tree Top,)
Patt-qui,
Me-shuk-to-no,
Ween-co,
Joseph Le Frambeau, Interpreter,
Pierre or Perish Le Clerk,
M.B. Beaubien, Interpreter,
Pes-co-unk, (Distant Thunder,)
Naut-wish-cum,
Ob-nob, (or He Looks Back,)
Pam-wa-mash-kuck,
Pacq-qui-pa-chee,
Ma-shaus, (the Cutter,)
Ci-co,
Puck-quon, (or the Rib,)
Sena-tche-wan, (or Swift Current,)
Shaub-poi-tuck, (the Man goes through,)
Wab-sai, (or White Skin,)
Shaub-num-teh, (or Medicine Man,)
Nah-o-sah, (the Walker,)
Keahh,
Ne-ah-we-quot, (the Four Faces,)
Wa-sash-kuck, (or the Grass Turner,)
Ke-ton-ne-co, (or the Kidneys,)
*Francois Bourbonnai,
*Chas. H. Beaubien,
*Shau-on-nees,
*Paskal Miller,
*Joseph Glaudeau,
*Joseph Laughton,
Ca-ta-we-num, (the Black Dog,)
Sine-pe-num,
Chatt-tee, (the Pelican,)
Me-shik-ke-an,
Teh-cah-co, (Spotted Fawn,)
Ca-shaw-kee, (the Craw Fish,)
Shem-me-nah,
Nah-kee-shuck, (In the Air,)
Mich-e-wee-tah, (Bad Name,)
Patte-co-to,
Shau-bon-ni-agh,
Kah-bon-cagh,
Wock-quet.

Witnesses.
R.B. Mitchell, Indian sub-agent,
Richard Pearson,
A.G. Wilson,
S.W. Smith,
Edward Pore,
John H. Whitehead,
John Copeland,
T.D.S. McDonnell,
W.R. English,
S.E. Wicks,
Lewis Kennedy,
L.T. Tate.

(To the manes of the Indians, except where there is an asterisk, are added their marks.)

We, the undersigned, Chiefs and Head Men, and Representatives of the Wabash, St. Joseph, and Prairie bands of the Ottawa, Chippewas, and Pottowautomie Indians, do hereby accept, ratify, and confirm the foregoing articles of a treaty, in all particulars. Done at Pottowautomie Creek, near the Osage River, west and south of the State of Missouri, this seventeenth day of June, A.D., 1846.

To-pen-e-be,
We-we-say,
Gah-gah-amo,
I-o-way,
Mah-go-quick,
Zhah-wee,
Louison,
Mash-kum-me,
Crane,
Esk-bug-ge,

Noa-ah-kye,
Abraham Burnet,
Ma-gis-gize,
Nas-wah-gay,
Pok-to,
Little Bird,
Shim-nah,
Ma-kda-wah,
Black Wolf,
Root,
Niena-kto,
Ma-je-sah,
Mah-suck,
Bade-je-zha,
Kah-shqua,
Little American,
Match-kay,
Wane-mage,
Wah-wah-suck 2d,
Black Bird,
Wah-wah-suck 1st,
Wabpmack, (Henry Clay,)
T-buck-ke,
Zah-gna,
N.D. Grover,
Big Snake,
En-ne-byah,
Jau-ge-mage,
Sin-be-nim,
No-clah-Koshig,
Os-me-at,
Wah-bah-koze,
I-o-wa 2d,
Wah-we-sueah,
Mowa,
Moses H. Scott,
Kahpkee,
Andrew Jackson,
Ke-sis,
Pame-qu-yah,
Peme-nuek,
Be-to-quah,
Mesha-de,
Wm. Hendricks,
Nma-quise,
Mas-co,
Peter Moose,
Kah-dot,
Za-k-ta,
Ah-bdah-sqa,
Wah-nuck-ke,
Wah-be-ee-do,
Ay-yah-she,
Qua-qua-tah,
Nah-nim-muck-shuck,
Antoine,
No-zha-kum,
Na-che-wa,
Ahn-quot,
*Jos. N. Bourassa,
Kka-mage,
*Jude W. Bourassa,
Bossman,
Joe Barrow.

(To the names of the Indians, except where there is an asterisk, are added their marks.)

Witnesses.
Joseph Bertrand, Jr.,
R.W. Cummins, Indian Agent,
Leonidas A. Vaughan,
Robert Simerwell,
Thomas Hurlburt,
J.W. Polk,
J. Lykins,
M.H. Scott,
Washn. Bossman,
John T. Jones,
James A. Poage,
Joseph Clymer, Jr.,
W.W. Cleghorn.

HOW-NI-KAN

PEOPLE OF THE FIRE

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Tribe, state agree that ruling doesn't help much

**Barrett terms opinion "confusing,"
Miley says it "does not really resolve anything"**

the court "to construe more narrowly, or abandon entirely, the doctrine of tribal sovereign immunity," the court traced the history of the doctrine all the way back to 1919 and said it was "not disposed to modify the long-established principle of tribal sovereign immunity."

Then the court dealt with the question of whether tribal trust land, the category most Indian land in Oklahoma falls in, is the same as reservation land. The Tax Commission had argued that the Potawatomi Tribal Store is not on a reservation. But the court recalled that in a 1978 case, "we stated that the test for determining whether land is Indian country does not turn upon whether that land is denominated 'trust land' or 'reservation.' Rather, we ask whether the area has been 'validly set aside for the use of the Indians as such, under the superintendence of the government...."

"Here ... the property in question is held by the federal government in trust for the benefit of the Potawatomis ... We find that this trust land is 'validly set apart' and thus qualifies as a reservation for tribal immunity purposes."

The court didn't say so, but that part of the decision could threaten Indian smoke shops which are not on reservations or tribal trust land. While the Potawatomi store is owned and operated by the tribe itself, some other tribes have been licensing stores to operate as tribal smoke shops and not all of those are on trust land.

Having handed the Indians those victories, the court then gave the tribe a defeat, ruling that the tribe had an obligation to help the state collect taxes from non-tribal members. Since at one

point, the ruling said "Indians" and later used the term "non-tribal members," it was not clear whether whether the ruling means only Potawatomis or all Indians are not subject to state taxation at the tribal store.

"Although the doctrine of tribal sovereign immunity applies to the Potawatomis, that doctrine does not excuse a tribe from all obligations to assist in the collection of validly imposed state sales taxes," the chief justice wrote. "Oklahoma argues that the Potawatomis' tribal immunity notwithstanding, it has the authority to tax sales of cigarettes to nontribal members at the tribe's convenience store. We agree."

The tribe had argued that this case differed from previous cases because Oklahoma failed to assume jurisdiction over Indian country under Public Law 280 and the states in which the other cases occurred had assumed jurisdiction. However, the court said in effect said Public Law 280 didn't make any difference one way or the other. It "merely permits a state to assume jurisdiction of 'civil causes of action' in Indian Country ... We have never held that Public Law 280 is independently sufficient to confer authority on a state to extend the full range of its regulatory authority, including taxation, over Indians and Indian reservations."

The court acknowledged state complaints that the decision that it could tax but not sue left it with "right without any remedy."

"There is no doubt that

sovereign immunity bars the state from pursuing the most efficient remedy," wrote Rehnquist, "but we are not persuaded that it lacks any adequate alternatives. We have never held that individual agents or officers of a tribe are not liable for damages in actions brought by the state. And under today's decision, states may of course collect the sales tax from cigarette wholesalers who supplied unstamped cigarettes to the tribal stores. States may also enter into agreements with the tribes to adopt a mutually satisfactory regime for the collection of this sort of tax. And if Oklahoma and other states similarly situated find that none of these alternatives produce the revenues to which they are entitled, they may of course seek appropriate legislation from Congress."

In a statement, Barrett said the court reaffirmed three "ancient and consistent tenets of Indian law" — (1) that the tribe did not waive its sovereignty merely by filing an action for declaratory relief, (2) that the Tax Commission has no authority to enforce tax assessments against Indian tribes, and (3) that land held by the federal government in trust for an Indian tribe qualifies as a reservation for tribal immunity purposes.

"In reaffirming these principles, the Supreme Court vindicated the permanent injunction which is now in place enjoining the Oklahoma Tax Commission from assessing a cigarette tax against the tribe," he said. "This is the only relief

sought by the tribe in the lawsuit.

"However, the opinion as a whole is confusing. In stating that the state could not tax the tribe's cigarette sales to tribal members 'but remains free to collect taxes on sales to nontribal members,' the court, however indirectly, violates a principle and usurps a power which the Constitution of the United States specifically assigns solely to the United States Congress, namely to regulate commerce with Indian tribes. The confusion lies in the affirmation by the court that the tribe cannot be sued to collect the taxes or compelled by the state in court because of the doctrine of sovereign immunity.

"It is disappointing that the United States Supreme Court feels compelled to recognize some nebulous state authority to regulate Indian tribes. In doing so, the judiciary appears to gratuitously encourage Oklahoma to violate its own state constitution and break the federal government's treaty promise to the Citizen Band Potawatomi Indian Tribe that its lands would never be under the jurisdiction of or part of a state."

Miley said the Tax Commission "didn't get all we wanted" but could claim a victory in the finding that the state is entitled to taxes from non-tribal members "which in this case is a majority of the sales that take place at this tribal store. So we did come home with something."

He also commented on the alternatives to court action listed by the court, calling the option of suing managers or tribal officers

"an interesting observation. We need to look at that. I'm sure the officers being sued by the state will try to resist that." He also said that either seizing the cigarettes or collecting from the wholesalers offered possibilities, but added that either would cause problems.

"The best the Tax Commission can hope for is that the tribe will cooperate," said Miley. Asked how the state would try to collect, he suggested the commission might "ask the tribe nicely to cooperate. If they say 'no,' we will have to look at other possibilities."

The Tax Commission attorney said he had "hoped the court would say 'yes, you're entitled to the taxes and you can sue the tribe to collect.' We didn't get that. We're not totally satisfied with that, but that's all we can do.

"This case does not really resolve anything. It's given the Tax Commission a basis for further arguments in other cases and it's given tribes a basis to mount their theories on. It doesn't come down on one side or the other.

"We are searching for tools and we're going to have to keep on searching. We're going to have to have investigators and auditors to find out what's out there and what's going on. If the tribe won't tell us, we'll have to find out independently.

"It answers some questions and raises other. This has not really gotten us to where we want to be. It doesn't resolve the dispute one way or the other. Certain rights have been affirmed and we've got to go out now and assert those rights in the avenue available. The court system is not available to us."